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THE WORKS

OF

JOHN C. CALHOUN.

VOL. V.

NEW YORK:
D. APPLETON AND COMPANY,
1, 3, AND 5 BOND STREET.
1883.

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REPORTS

AND

PUBLIC LETTERS

OF

JOHN C. CALHOUN.

EDITED BY

RICHARD K. CRALLÉ.

NEW YORK:
D. APPLETON AND COMPANY,
1, 3, AND 5 BOND STREET.
1883.

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ADVERTISEMENT.

The present volume contains, it is believed, all the Reports of general and permanent interest, made by Mr. Calhoun, during his Congressional career, and while Secretary of War. There are, indeed, many other papers emanating from this Department during his administration, of no little interest;—and which the Editor would gladly have included in this collection, if it could have been done without rendering the Works too voluminous. He hopes the selection he has made will suffice to show the principles which governed his administration of the Department, and which rendered it the most memorable in the annals of the country;—as well as his views, constitutional and economical, on subjects of a more general and comprehensive nature, during his services in the halls of Congress.

The Editor cannot dismiss the volume from his hands without remarking that some of the Reports contained in it, originally appeared before the public under the sanction of other names. He feels, however, very confident that in now assigning them to their true author, he does no injustice to any one. The Report of the Committee of Foreign Relations (November, 1811), ought, perhaps, to be excepted. The Editor is not fully assured that it was drawn up wholly by Mr. Calhoun. Yet there is one circum-

stance, independently of its style and the general opinion at the time, which would seem to strengthen the conclusion that he was its author. Mr. Porter of Pennsylvania was, indeed, the Chairman of the Committee at the time, and presented the Report to the House; but the circumstance referred to, if true, goes to show that he only held the position *nominally*. On the meeting of Congress, the Speaker (Mr. Clay) felt himself greatly embarrassed in deciding on the relative claims of Messrs. Lowndes, Cheves and Calhoun,—all members from the same State,—to prominent positions on the most important Committees. Mr. Calhoun,—the youngest of the three,—being told of this, immediately waited on Mr. Clay, and requested that his colleagues should be preferred. He was, however, placed second on the Committee of Foreign Relations; and, at the first meeting of its members, during his absence, he was, on motion of Mr. Porter, unanimously chosen to preside over their deliberations.

This account, if true,—and the Editor (though he speaks not on the authority of Mr. Calhoun) has no reason to doubt it,—will at least excuse the error, if any there be, in placing the Report amongst his productions.

MEADOWGROVE *Dec.* 10*th*, 1854.

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REPORTS AND PUBLIC LETTERS.

REPORT

On Foreign Relations, submitted to the House of Representatives, Nov. 29th, 1811.

The Committee to whom was referred that part of the President's Message, which relates to our Foreign affairs, beg leave to Report in part :—

That they have endeavored to give the subject submitted to them, that full and dispassionate consideration which is due to one so intimately connected with the interest, the peace, the safety and honor of their country.

Your committee will not encumber your journals and waste your patience with a detailed history of the various matters growing out of our foreign relations. The cold recital of wrongs, of injuries and aggressions, known and felt by every member of this Union, could have no other effect than to deaden the national sensibility and render the public mind callous to injuries with which it is already too familiar.

Without recurring, then, to the multiplied wrongs of partial or temporary operation, of which we have so just cause of complaint against the two great belligerents, your committee will only call your attention, at this time, to the systematic aggressions of those powers, authorized by their edicts against neutral commerce—a system, which, as regarded its princi-

ples, was founded on pretensions that went to the subversion of our national independence; and which, although now abandoned by one power, is, in its broad and destructive operations as still enforced by the others, sapping the foundations of our prosperity.

It is more than five years since England and France, in violation of those principles of justice and public law, held sacred by all civilized nations, commenced this unprecedented system, by seizing the property of the citizens of the United States, peaceably pursuing their lawful commerce on the high seas. To shield themselves from the odium which such outrages must incur, each of the belligerents sought a pretext in the conduct of the other—each attempting to justify his system of rapine as a retaliation for similar acts on the part of his enemy. As if the law of nations, founded on the eternal rules of justice, could sanction a principle, which if ingrafted in our municipal code could excuse the crime of one robber, upon the sole plea that the unfortunate object of his rapacity, was also a victim to the injustice of another. The fact of priority could be true as to one only of the parties; and whether true or false, could furnish no ground of justification.

The United States, thus unexpectedly and violently assailed by the two greatest powers in Europe, withdrew their citizens and property from the ocean; and cherishing the blessing of peace, although the occasion would fully have justified war, sought redress in an appeal to the justice and magnanimity of the belligerents. When this appeal had failed of the success due to its moderation, other means founded on the same pacific policy, but applying to the interests, instead of the justice of the belligerents, were resorted to. Such was the character of the non-intercourse and non-importation laws, which invited the return of both powers to their former state of amicable relation, by offering commercial advantages to the one who should first revoke his hostile edicts, and imposing restrictions on the other.

France, at length, availing herself of the proffers made equally to her and her enemy, by the non-importation law of May, 1810, announced the repeal, on the first of the following November, of the decrees of Berlin and Milan. And it affords a subject of sincere congratulation to be informed, through the official organs of the Government, that those decrees are, so far at least as our rights are concerned, really and practically at an end.

It was confidently expected that this act on the part of France would have been immediately followed by a revocation on the part of Great Britain of her orders in council. If our reliance on her justice had been impaired by the wrongs she had inflicted; yet when she had plighted her faith to the world that the sole motive of her aggression on neutral commerce was to be found in the Berlin and Milan decrees, we looked forward to the extinction of those decrees, as the period when the freedom of the seas would be again restored. In this reasonable expectation we have, however, been disappointed. A year has elapsed since the French decrees were rescinded, and yet Great Britain, instead of retracting *pari passu* that course of unjustifiable attack on neutral commerce in which she professed to be only the reluctant follower of France, has advanced with bolder and continually increasing strides. To the categorical demands lately made by our Government for the repeal of her orders in council, she has affected to deny the practical extinction of the French decrees, and she has moreover advanced a new and unexpected demand, increasing in hostility the orders themselves.

She has insisted, through her accredited minister at this place, that the repeal of the orders in council must be preceded, not only by the practical abandonment of the decrees of Berlin and Milan, so far as they infringe the neutral rights of the United States; but by the renunciation on the part of France, of the whole of her system of commercial war-

fare against Great Britain, of which those decrees originally formed a part.

This system is understood to consist in a course of measures adopted by France and the other powers on the continent subject to, or in alliance with her, calculated to prevent the introduction into their territories of the products and manufactures of Great Britain and her colonies, and to annihilate her trade with them. However hostile these regulations may be on the part of France towards Great Britain; or however sensibly the latter may feel their effects, they are, nevertheless to be regarded only as the expedient of one enemy against another, for which the United States, as a neutral power, can, in no respect, be responsible; they are, too, in exact conformity with those which Great Britain has herself adopted and acted upon in time of peace as well as war. And it is not to be presumed that France would yield to the unauthorized demand of America what she seems to have considered one of the most powerful engines of the present war.

Such are the pretensions upon which Great Britain founds the violation of the maritime rights of the United States—protensions not theoretical merely, but followed up by a desolating war upon our unprotected commerce. The ships of the United States, laden with the products of our own soil and labor, navigated by our own citizens and peaceably pursuing a lawful trade, are seized on our own coasts, and at the very mouths of our harbors, condemned and confiscated.

Your committee are not, however, of that sect whose worship is at the shrine of a calculating avarice. And while we are laying before you the just complaints of our merchants against the plunder of their ships and cargoes, we cannot refrain from presenting to the justice and humanity of our country the unhappy case of our impressed seamen. Although the groans of these victims of barbarity for the loss

of (what should be dearer to Americans than life) their liberty —although the cries of their wives and children in the privation of protectors and parents, have, of late, been drowned in the louder clamor at the loss of property; yet is the practice of forcing our mariners into the British navy, in violation of the rights of our flag, carried on with unabated rigor and severity. If it be our duty to encourage the fair and legitimate commerce of this country by protecting the property of the merchant, then indeed, by as much as life and liberty are more estimable than ships and goods, so much more impressive is the duty to shield the persons of our seamen, whose hard and honest services are employed, equally with those of the merchants in advancing, under the mantle of its laws, the interests of their country.

To sum up, in a word, the great causes of complaint against Great Britain, your committee need only say—That the United States as a sovereign and independent power, claim the right to use the ocean, which is the common and acknowledged highway of nations, for the purpose of transporting in their own vessels, the products of their own soil and the acquisitions of their own industry, to a market in the port of friendly nations, and to bring home, in return, such articles as their necessities or convenience may require—always regarding the rights of belligerents, as defined by the established laws of nations. Great Britain in defiance of this incontestable right, captures every American vessel bound to, or returning from a port where her commerce is not favored: enslaves our seamen, and in spite of our remonstrances perseveres in these aggressions.

To wrongs so daring in their character, and so disgraceful in their execution, it is impossible that the people of the United States should remain indifferent. We must now tamely and quietly submit, or we must resist by those means which God has placed within our reach.

Your committee will not cast a shade over the American

name, by the expression of a doubt which branch of this alternative will be embraced. The occasion is now presented when the national character, misunderstood and traduced for a time by foreign and domestic enemies, should be vindicated.

If we have not rushed to a field of battle like the nations who are led by the mad ambition of a single chief or the avarice of a corrupted court, it has not proceeded from a fear of war, but from our love of justice and humanity. That proud spirit of liberty and independence, which sustained our fathers in the successful assertion of their liberties against foreign aggression, is not yet sunk. The patriotic fire of the revolution still burns in the American breast with a holy and unextinguishable flame, and will conduct this nation to those high destinies, which are not less the reward of dignified moderation, than of exalted valor.

But we have borne with injury until forbearance has ceased to be a virtue. The sovereignty and independence of these States, purchased and sanctified by the blood of our fathers, from whom we received them, not for ourselves only, but as the inheritance of our posterity, are deliberately and systematically violated. And the period has arrived, when, in the opinion of your committee, it is the sacred duty of Congress to call forth the patriotism and resources of the country. By the aid of these, and with the blessing of God, we confidently trust we shall be enabled to procure that redress, which has been sought for by justice, by remonstrance and forbearance, in vain.

Your committee, reserving for a future report those ulterior measures which in their opinion ought to be pursued, would at this time earnestly recommend, in the words of the President, "That the United States be immediately put into an armor and attitude demanded by the crisis, and corresponding with the national spirit and expectations." And to this end, they beg leave to submit for the adoption of the House, the following resolutions:

1. *Resolved,* That the military establishment as authorized by the existing laws, ought to be immediately completed by filling up the ranks and prolonging the enlistment of the troops; and that to encourage enlistments, a bounty in lands ought to be given in addition to the pay and bounty already allowed by law.

2. That an additional force of ten thousand regular troops ought to be raised to serve for three years; and that a bounty in lands ought to be given to encourage enlistments.

3. That it is expedient to authorize the President, under proper regulations, to accept the service of any number of volunteers not exceeding fifty thousand: to be organized, trained and held in readiness to act on such service as the exigences of the Government may require.

4. That the President be authorized to order out from time to time such detachments of militia, as in his opinion the public service may require.

5. That all the vessels not now in service, belonging to the navy and worthy of repairs, be immediately fitted up and put in commission.

6. That it is expedient to permit our merchant vessels owned exclusively by resident citizens, and commanded and navigated solely by citizens, to arm under proper regulations to be prescribed by law, in self-defence, against all unlawful proceedings towards them on the high seas.

REPORT

On the System of Indian Trade, communicated to the House of Representatives, Dec. 8th, 1818.

DEPARTMENT OF WAR, *Dec. 5th*, 1818.

SIR,—In compliance with a resolution of the House of Representatives of the 4th of April, 1818, directing the Secretary of War to prepare and report, at their next session, "a system providing for the abolition of the existing Indian trade establishments of the United States, and providing for the opening of the trade with the Indians to individuals, under suitable regulations," I have the honor to make the following report :—

The nations of Indians who inhabit this portion of our continent, were, on its first discovery, in a state of the most perfect commercial independence. Their knowledge of the useful arts was, indeed, very limited, but it was commensurate with their wants and desires. With their rude implements of husbandry, their hook and bow, in the construction of which they were well instructed, they drew a scanty, but (for them) a sufficient supply from the soil, the water, and the forest. A great change has since taken place, such as appears to be inevitable by a fixed law of nature, in the intercourse between a civilized and savage people. Helplessness has succeeded independence. While their wants have been greatly multiplied and enlarged by their intercourse with their more civilized neighbors, their knowledge even of their former rude arts has been lost, without acquiring those which are necessary in their new condition. The manufacture of the axe and hoe, by which they now clear and cultivate the soil, and the gun and ammunition, by which they take their game, are far above their skill; and, with the exhaustion of their present stock, without a new supply, they

would be reduced to extreme want. On trade, then, with those from whom they can draw these and other supplies, they are wholly dependent. We have the exclusive right to trade with those within our limits; and cut off, as the Southern tribes are, by our acquisition in the late war, from intercourse with foreigners on the side of the Gulf of Mexico, we have the means, by a proper extension of our posts on the lakes, the Mississippi, and the Missouri (to effect which, measures have already been taken), to enforce effectually, without much additional expense, this important right. The period seems, then, to have arrived to give to our control over the Indians, through an exclusive supply of their wants, the greatest efficiency, and to promote their and our interests, by a judicious system of trade fairly and justly directed.

A similar view of this branch of our trade seems to have been taken at an early period by our Government. It directed its attention to this interesting and important subject as early as the year 1773, when a committee was appointed by Congress, to devise a plan for carrying on trade with the Indians. In the next year a very considerable purchase of goods was directed to be made for the Indian trade; and trade with them, except under license and bond, was strictly prohibited. The subject was frequently acted on during the confederation, but no systematic effort was made to regulate it till 1786, when an ordinance was passed, dividing the Indian Department into two districts, and appointing a superintendent with a deputy to each. It was made their duty to execute such regulations as Congress might establish in relation to Indian affairs; to correspond with the Secretary of War, through whom their communications were directed to be made to Congress; to obey the instructions of the War Department; and to grant licenses to trade with Indians. This ordinance directed that no license should be granted to foreigners, and only to citizens whose good moral character

should be certified by the Governor of a State, under the seal of the State; and that bonds should be given to conform to established regulations. Licenses were granted, to continue in force for one year only, and upon the payment of $50. To trade without a license incurred a penalty of $500, and forfeiture of goods. The superintendents and their deputies were prohibited from engaging in trade.

The change in the form of the Government a few years after the passing of this ordinance, and the debility into which public affairs fell about the termination of the confederation, prevented this judicious system from being carried into effect.

Under the present constitution, the subject of Indian trade attracted the attention of Congress as early as the year 1790. The system of trade by licenses was retained, which were directed to be granted for two years, by persons to be appointed by the President, to applicants of good character, who gave bonds to conform to regulations; and to trade without license was subjected to a forfeiture of merchandise. The act contains no prohibitions of foreigners, and requires nothing to be paid for the licenses. In the years 1793 and 1796 acts were passed very similar in their provisions to the one just recited; and in the year 1802 an act repealing former acts, and which still continues in force, was passed. It inflicts a fine of $100, and imprisonment not exceeding thirty days, in addition to the forfeiture of goods, for trading without license, and directs licenses to be granted on bond, with sufficient security, to conform to law and regulations, without making a good character or citizenship a requisite.

By an act of 1816 (the last passed on this subject), foreigners are prohibited from trading with the Indians, except permitted by the President, and under such regulations as he should establish. Instructions have been given under this act to prohibit foreigners from passing into the Indian

country, except as boatmen, and, under certain conditions, as interpreters.

The system of trade by public factors, now proposed tc be abolished, commenced in the year 1796, but without superseding the original mode of carrying on the trade by license. The President was authorized to establish trading-houses, and to appoint an agent to each house, to carry on, as the act states, "a liberal trade with the Indians." The act appropriated $150,000 as the capital of this trade, and the additional sum of $8,000 annually, for the payment of agents and clerks; and directed the trade to be carried on so as not to diminish the capital. It was limited to two years; but was, by a subsequent act, continued in force till 1806. A superintendent of Indians was then appointed, and the capital increased to $260,000, and $13,000 was annually appropriated for the payment of superintendents, agents, and clerks. This act was limited to three years, but afterwards continued in force till 1811. The capital was then increased to $300,000, with an annual appropriation of $19,250 for the payment of superintendent, agent, and clerks. It was limited to three years, but has been extended by a subsequent act to the 1st of March next.

The capital at present is distributed among eight trading-houses, or factories, established at the following places: Fort Mitchell; the Chickasaw Bluffs; Fort Confederation, on the Tombigbee; Fort Osage, on the Missouri; Prairie du Chien, on the Mississippi; Sulphur Fork, on the Red River; Green Bay; and Chicago.

Such is the rise, progress, and present condition of our Indian trade. It was commenced, and has been continued, from motives both of prudence and humanity; and though it may not have fully realized the expectations of its friends, it has no doubt produced beneficial effects. If wars have not been entirely prevented by it, they probably, without it, would have been more frequent; and if the Indians have

made but little advances in civilization, they probably, without it, would have made less. If greater effects have not resulted, it is to be attributed, not to a want of dependence on the part of the Indians on commercial supplies, but to defects in the system itself, or in its administration. Scarcely any attempt has been made till lately to exclude foreigners, and the granting of licenses has not been subject to those checks which are necessary to give to it the most salutary effects.

Should it be thought unadvisable to continue the present trading system by factories, by permitting the act to expire by its limitation on the first of March next, it will then, of course, terminate. In winding up its concerns, two points are to be regarded: to sustain as little loss as possible; and to withdraw from the trade gradually, in order that the capital employed may be supplied from other sources. To effect both of these objects, I would suggest that so much of the act of 1811 as authorizes the appointment of a superintendent and factors be continued in force for one year; and that they be authorized to make sales, as heretofore, of the goods and effects on hand, and those which may be acquired from the Indians.

The superintendent of Indian trade should also be authorized and directed to exhibit at his office, for inspection, an inventory of the stock in trade, with the property attached to the respective factories; and he should be directed to sell the same on the best terms offered, provided the sales can be effected at cost and charges. It would be proper to allow considerable credit, upon approved bonds and security; and the President ought to be empowered to annex, as the condition of the sale, if he should think it advisable, to sell the goods to the Indians at the place at which the factory is established, provided the sales can be effected within the period of one year. The factory at Fort Clarke, being established by a treaty with the Great and Little Osages in the year 1808,

must be continued by the Government, or sold out, subject to the condition of being continued so long as the Indians may desire it. It would, perhaps, be advisable to direct a new treaty, rescinding, on suitable compensation, the stipulation referred to. The establishment would, by these means, terminate gradually, without the hazard of any considerable losses. To provide for opening the trade to individuals, under suitable regulations, is a task of much greater difficulty. The vast extent of the country inhabited by the Indians, and the number and variety of the tribes, render it impossible to apply, with propriety, any one uniform system to the whole. The various tribes, for the purpose of trade, may, however, be comprehended in two classes: those in our immediate neighborhood, surrounded by our settlements and our military posts, and who, from long intercourse with us, have become partially civilized; and those more remote, who still retain their original character and customs. In the former are comprehended the four Southern tribes: the Osages, and the small tribes immediately west of the Mississippi; those within the limits of Illinois, Indiana, Ohio, and that part of the Michigan Territory east of Lake Michigan. The latter comprehends all of the tribes without those limits. I propose to consider the system of trade best calculated for each division, beginning with the former.

After giving the subject that full consideration which its importance merits, it appears to me that the provisions of the ordinance of 1786, with a few additions and modifications, particularly in the administrative part, so as to adjust it to our present form of government, are, for this division of our Indian trade, the best that can be devised. The provisions of the acts now in force in relation to licenses are not as well guarded or as efficient as those of the ordinance referred to. The introduction of the factories seems to have relaxed the attention of Government to the system of trade under license. I would then propose to assume the provisions of the ordinance re-

ferred to, as the basis of a system to open the trade with the contiguous tribes of Indians to individual enterprise. Instead, however, of appointing two superintendents, I would propose a superintendent of Indian affairs, to be attached to the War Department, with a salary of $3,000 per annum ; the superintendent to be under the control of the Secretary of War, and to be charged, subject to such regulations as the President may prescribe, with the correspondence, superintendence, and general management of Indian affairs ; and to be authorized, with the approbation of the Secretary of War, to grant licenses to trade with the Indians. Licenses to be granted to citizens of good moral character, and to continue in force till revoked. A sum not less than $100, nor more than $500, to be determined under regulations to be prescribed by the President, to be paid for the privilege of using it at the time of granting the license, and annually during its continuance ; and bonds, with sufficient security, to be taken to conform to law and regulations. Licenses to be revoked by the President whenever he may judge proper. To trade without license, to be subject to a fine not exceeding $1,000 and imprisonment not to exceed six months, with a forfeiture of the goods. Licenses to be granted to trade at specified places, to be selected by the applicants, and not to be changed without the consent of the superintendent. All peddling and sales of spirituous liquors to be strictly prohibited. Each trading-house, or establishment, to require a separate license ; and books to be kept at the establishment, in which the prices of the goods sold and the articles purchased should be regularly and fairly entered ; and to be subject at all times to the inspection of the Indian agent, or such persons as the superintendent may appoint.

The reasons for most of these provisions are so obvious as to require no illustration. They will all be passed over, accordingly, without observation, except the provision which requires the payment of an annual sum for the use of a

license, and that which requires the trading establishment to be fixed. The former provision is taken from the ordinance of 1786, which directed licenses to be granted for one year only, and on payment of $50 to the superintendent, for the use of the United States; a sum nearly equal to that now proposed, if the value of money at that time be taken into consideration.

But it will probably be objected that it is our interest, and, as we propose to monopolize their trade, our duty too, to furnish the Indians with goods on as moderate terms as possible; and that the sum to be paid for a license, by acting as a duty on the goods sold under it, will tend to enhance their price. In answer to which it may be justly observed, that it is not a matter of so much importance that they should obtain their supplies for a few cents more or less, as that the trade should, as far as practicable, be put effectually under the control of the Government, in order that they may be protected against the fraud and the violence to which their ignorance and weakness would, without such protection, expose them. It is their very ignorance and weakness which render it necessary for the Government to interfere; and, if such interference is proper at all, it ought to be rendered effectual. Such will be the tendency of this provision. Its first and obvious effects will be to diminish more certainly, and with less injurious effect than any other provision which can be devised, the number of traders, and to increase the amount of capital which each would employ. The profit of a small capital of a few hundred dollars would scarcely pay for the license; while that on a large one would not be much diminished by it. Both of these effects—the diminution of the number of traders, and the increase of the capital—would add greatly to the control of the Government over the trade. It would be almost impossible to inspect the conduct, and consequently control the actions, of the multitude of traders with small capital, diffused over the Indian country, and

settled at remote and obscure places. The greatest vigilance on the part of the superintendent and his agents would be unequal to the task. By diminishing the number, and bringing each more permanently before the view of the Government, a due inspection and superintendence becomes practicable. Again: what control can the Government have over the conduct of a trader, with a capital of a few hundred dollars only? Suppose he should violate the express injunctions of law and regulations; what serious loss would he sustain by revoking his license, or by putting his bond in suit? To him it would be nothing to wind up his business, and give his capital another direction; and as to the bond, in such distant and obscure transactions, he might pretty safely calculate on escaping its penalty. Very different would be the case with the trader of a large capital. To revoke his license would be a serious evil, which must subject him to certain loss; and, should he break the conditions of his bond, he would be much more in danger of feeling its penalty. The control of the Government would not only be greater over such traders, but (what is of equal importance) their influence with the Indians would have a more salutary direction. A war between them and us, would, in all cases, be injurious, and in many cases would be ruinous, to the trader of a large capital; but not so with one of small capital. A single profitable speculation may be of more importance to him than the continuance of his bond. From the effects of war he can as easily escape as from the revocation of his license, or the penalty of his bond. Let the character of the former be what it may, he must, from interest, be the advocate of peace and the influence of his own Government; while the latter, unless influenced by virtuous motives, would feel in either but little interest.

From the nature of the trade, the more it can be concentrated, provided there is reasonable competition, the better it will be for the Indians and ourselves. The very oppo-

site, it is true, would be the fact, if they had the capacity and intelligence to take care of their own interest without our protection; but, situated as they are, indefinite competition would be no less injurious to them than to our citizens; and such appear to be their sentiments. The Chickasaws, in a late treaty, complained of the injury which they had sustained from peddlers and small traders; and they had a stipulation inserted against the granting of any license to trade with their nation, as the only effectual means which suggested itself to prevent it.

The reasons for fixing the trading establishments are no less strong. By rendering them stationary, and compelling the proprietor to keep books, containing regular entries of all their sales and purchases, important checks will be presented to prevent fraud and exorbitant charges. It will also strongly tend to prevent collision between the traders; and, consequently, the creation of parties among the Indians for or against particular traders—a state of things unfriendly to their interest, and dangerous to the peace of the frontier. Besides, the trading establishments being fixed, as they will be, in the most advantageous position, will, in time, become the nucleus of Indian settlements, which, by giving greater density and steadiness to their population, will tend to introduce a division of real property, and thus hasten their ultimate civilization.

Such are the provisions under which the trade with those tribes of Indians in our immediate neighborhood may, with safety and advantage, be opened to individual enterprise. With a vigilant administration, it will produce results equally salutary to the Indians and ourselves. In fact, the knowledge of the use of money, and the prices of most of the ordinary articles of trade, is so far advanced among them, as to guard them, to a considerable extent, against mere fraud and imposition; and, with the control which the Government may exercise over the trade with them, they would

generally receive their supplies on fair and moderate terms. The system is not less calculated to secure peace. The regular traders, who have paid for the use of their licenses, will be the most active to prevent vexatious peddling and retailing of spirituous liquors, which are the bane of the frontier. They will, besides, become the most active promoters of industry: for the almost total destruction of game has rendered the amount of peltries and furs of little value in the branch of Indian trade; and their capacity of paying for the goods purchased must consequently, in a great measure, depend on the proceeds of the soil. In fact, the neighboring tribes are becoming daily less warlike, and more helpless and dependent on us, through their numerous wants; and they are rendered still more pacific by the fear of forfeiting their land and annuities. They have, in a great measure, ceased to be an object of terror, and have become that of commiseration. The time seems to have arrived when our policy towards them should undergo an important change. They neither are, in fact, nor ought to be, considered as independent nations. Our views of their interests, and not their own, ought to govern them. By a proper combination of force and persuasion, of punishments and rewards, they ought to be brought within the pales of law and civilization. Left to themselves, they will never reach that desirable condition. Before the slow operation of reason and experience can convince them of its superior advantage, they must be overwhelmed by the mighty torrents of population. Such small bodies, with savage customs and character, cannot, and ought not to be permitted to exist in an independent condition in the midst of civilized society. Our laws and manners ought to supersede their present savage manners and customs. Beginning with those most advanced in civilization and surrounded by our people, they ought to be made to contract their settlements within reasonable bounds, with a distinct understanding that the United States intend to make no further acquisition

of land from them, and that the settlements reserved are intended for their permanent home. The land ought to be divided among families ; and the idea of individual property in the soil carefully inculcated. Their annuities would constitute an ample school fund ; and education, comprehending as well the common arts of life as reading, writing, and arithmetic, ought not to be left discretionary with the parents. Those who might not choose to submit, ought to be permitted and aided in forming new settlements at a distance from ours. When sufficiently advanced in civilization, they would be permitted to participate in such civil and political rights as the respective States within whose limits they are situated might safely extend to them. It is only by causing our opinion of their interest to prevail, that they can be civilized and saved from extinction. Under the present policy, they are continually decreasing and degenerating, notwithstanding the Government has, under all of its administrations, been actuated by the most sincere desire to promote their happiness and civilization. The fault has been, not in the want of zeal, but in the mode by which it has been attempted to effect these desirable objects. The Indians are not so situated as to leave it to time and experience to effect their civilization. By selecting prudently the occasion for the change, by establishing a few essential regulations, and by appointing persons to administer them fairly and honestly, our efforts could scarcely fail of success. Nor ought it to be feared that the power would be abused on our part ; for, in addition to the dictates of benevolence, we have a strong interest in their civilization. The enmity even of the frontier settlers towards them, is caused principally by the imperfection of the present system ; and under the one which I have suggested, it will greatly, if not entirely, subside. The natural humanity and generosity of the American character, would no longer be weakened by the disorder and savage cruelty to which our frontiers are now exposed. A deep conviction of the importance of the sub-

ject, and a strong desire to arrest the current of events, which, if permitted to flow in the present channel, must end in the annihilation of those who were once the population of this prosperous country, must be my apology for this digression.

It remains to consider in what manner our trade can be most successfully prosecuted with the numerous Indian tribes who occupy the vast region extending west to the Pacific Ocean. It is obvious that the system proposed for the partially civilized tribes bordering on our settlements, would prove altogether inadequate to this branch of our Indian trade. It will require a system of far more energy to effect the great objects which ought to be pursued through it. To establish a decided control over the numerous and savage tribes within these vast limits, and to give to our trade with them its utmost extension, are deemed to be objects of great national importance. It is believed that, within our limits, along the range of the Rocky Mountains, quite to the Mexican frontier, is the best region for fur and peltries on this continent. With proper efforts, the whole of this valuable trade, extending quite across to the great Western ocean, would, in a few years, be exclusively in our possession. To produce these desirable results, foreign adventurers, whose influence must, at all times, be hostile to our interest and dangerous to our peace, must be excluded. With this view, and to protect our own trade, means have been taken to extend our military posts on the Mississippi and Missouri. Whatever character our trade in that quarter may assume, the extension of our posts, as contemplated, will be indispensable to its enlarged and successful prosecution; but it is believed that, with all the advantages which they will afford, unless the trade be properly and efficiently organized, we shall not be able to compete with the British companies on the north, nor to acquire that decided control over the Indians which is indispensable to its complete success.

In order to have just ideas on this subject, it is necessary

to take into consideration, not only the vast extent and remoteness of the region over which it is proposed to extend our trade, but the character of the numerous tribes who inhabit it. They are all more or less migratory; in the summer moving towards the north, and in the winter to the south, in pursuit of the buffalo and other game. They are thus, in the summer, brought into the neighborhood of the British establishments to the north of our limits, where, notwithstanding our military posts, and the advantage of our position, much of the trade and influence over these fierce and warlike tribes will centre, unless our means of carrying it on should be as well organized and as efficient as theirs. The difficulty, though of an opposite kind, is no less considerable on the southern frontier of this portion of our country. The line between us and the Spanish possessions in Mexico is, in its whole extent, a subject of discussion, and even should it be adjusted, will probably, to a considerable extent, be without natural and visible boundaries. To a trade thus situated, extending over so vast a region, inhabited by numerous tribes not less warlike than savage, with the competition of powerful and long established companies on one side, and danger of collision on the other, the unorganized efforts of individuals, always with jarring, and frequently with opposing interests, appear to be wholly inadequate to its successful or safe prosecution. The rivalry of trade, which, in well-regulated communities, gives the greatest prosperity to commerce, would in these distant regions, beyond the control of law or superior authority, amongst fierce and ignorant savages, lead to the most fatal consequences. Each trader, or association of traders, would endeavor to monopolize the trade within certain limits, and would exert their cunning and influence to render the savages their partisans, and the enemy of their rivals in trade. Among a people at once so fierce and so easily duped, the result may be readily anticipated. A state of disorder and violence would universally prevail, equally unfortunate to the

Indians and ourselves; and which would strongly tend to turn the trade, and with it the influence over the Indians, to the well-organized foreign fur companies near our limits.

If these observations are correct; if the uncombined efforts of individuals are inadequate to a successful competition with the British fur companies; if they will endanger our peace with our southern neighbors, and lead to fierce and dangerous rivalry among themselves; it only remains to consider whether a mode can be devised of carrying on this branch of our Indian trade which will obviate these evils, and accomplish the desirable objects of giving the greatest extension to it, accompanied with the most efficient control over the Indians themselves. The united influence and combined efforts of the fur companies referred to, can be met successfully, it is believed, only by an equal concentration of influence and efforts on our part; the jealous rivalry of independent traders, with its fatal consequences, can be obviated only by removing the diversity of interest by which it would be excited; and the danger of collision on our southern limits, by subjecting the trade completely to the will and control of the Government. The mode, then, which I would propose, would be to vest the trade in a company, with sufficient capital, to be divided into shares of one hundred dollars each, and to be limited to the term of twenty years; to pay an annual tax on its subscribed capital, for the privilege of exclusive trade; and to be subject, in like manner as private traders, to such rules and regulations as may be prescribed. It is thus that most of the evils to be apprehended, by leaving the trade open to the competition of private adventurers, would, it is believed, be avoided. The efforts of the company, undisturbed by rival interests, would be directed to establish its control over the various tribes of Indians, to exclude foreign adventurers, and to give the greatest degree of profit to its trade. The success of such a company, properly conducted, scarcely admits of a doubt. Our position in regard to this

trade, the facility which the navigation of our great and numerous rivers in that quarter would afford, and the protection from our military posts, would speedily destroy all foreign competition, and would in a few years push our trade to the Pacific Ocean. The most profitable fur and peltry trade in the world would be ours, accompanied with a decided influence over the numerous and warlike tribes inhabiting those extensive regions. The mere objection, that it would create a monopoly, ought not to outweigh so many advantages. The trade with the Indians has never been opened, without restriction, to our citizens. Licenses from the Government have at all times been required: and the Government has itself, through its factories, to a considerable extent, monopolized the trade; and, by an extension of its capital only, might engross the whole of it. All of these provisions, however necessary in the Indian trade, would be absurd in any other branch of our commerce. Besides, the profit of the trade with the Indians has, at all times, been confined to a few individuals; and it is highly probable that a greater portion of the community would participate in it, by carrying it on in the manner proposed, than in any other mode. In fact, absurd as commercial monopoly would be, where law and authority exist to repress the mischievous effects which might spring from unbounded rivalry, and to give to such rivalry salutary consequences, just in the same degree would it be wise and advantageous to carry on the trade under consideration by an incorporated company. A nation discovers its wisdom no less in departing from general maxims, when it is no longer wise to adhere to them, than in its adherence to them in ordinary circumstances. In fact, it evinces a greater effort of reason. The first advance of a nation is marked by the establishment of maxims, which are deemed universal, but which further experience and reflection teach to be only general, admitting of occasional modifications and exceptions. Should the House, however, not adopt these views, but

prefer to open the trade to the enterprise of single individuals, or such associations as might be formed for the purpose, I would suggest the provisions already proposed for the trade with the neighboring tribes of Indians, as the most advisable, with the exception of the provisions which require the trader to be located, and that regular books of sale and purchase should be kept. In lieu of which provisions, I would propose that the goods intended for this branch of Indian trade, and the articles acquired by purchase from the Indians, should be entered under oath (the former with a copy of the invoice, and the latter with a statement of prices), with the Indian agent at Mackinaw, St. Louis, Bellepoint on the Arkansas River, or Natchitoches on Red River, or such other places as the President may designate. The entry can be made without much inconvenience to the trader, as the geography of the country is such as to make it necessary for the trader to pass by one or the other of the points proposed, at each of which there is now an agent. It is believed that these provisions would be as effectual as any that can be devised, short of a company incorporated for the purpose; but it is proper to observe that they are open to the objections which have already been stated. In fact, they equally apply to any system, so long as the trade is exposed to the effects which must flow from the jealous rivalry of independent traders, when law and authority cannot step in to restrain its consequence within proper bounds. The Indians themselves are not the proper judges of their own interests, and, so far from restraining the effects of such rivalry, they would become the instruments of the most cunning and vicious of the traders, to wreak their vengeance on such as might stand in the way of their profits.

All of which is respectfully submitted.

J. C. CALHOUN.

To the Hon. H. CLAY, Speaker of the House of Representatives.

REPORT

On the Reduction of the Army, communicated to the House of Representatives, December, 14, 1818.

In compliance with a resolution of the House of Representatives, passed the 17th of April last, directing the Secretary of War "to report, at an early period of the next session of Congress, whether any, and, if any, what reduction may be made in the military peace establishment of the United States with safety to the public service; and whether any, and, if any, what change ought to be made in the ration established by law, and in the mode of issuing the same; and also report a system for the establishment of a Commissariat for the army," I have the honor to submit the following report:—

In order to form a correct opinion on a subject involving so many particulars as the expense of our military establishment, it will be necessary to consider it under distinct and proper heads. To ascertain, then, "whether any, and, if any, what reductions may be made in the expenses of our military peace establishment," I propose to consider its number, organization, pay, emoluments, and administration. To one or the other of these heads all of its expenses may be traced; and if they are greater than they ought to be, we must search for the cause in the improper extent of the establishment, the excessive number of officers in proportion to the men, the extravagance of the pay and emoluments, or the want of proper responsibility and economy in its administration. Pursuing the subject in the order in which it has been stated, the first question which offers itself for consideration is, whether our military establishment can be reduced "with safety to the public service," or can its expenditures be with propriety reduced, by reducing the army

itself. It is obvious that, viewed in the abstract, few questions present so wide a field for observation, or which are so well calculated to produce a great diversity of sentiment, as the one now proposed. Considered as an original question, it would involve in its discussion the political institutions of the country, its geographical position and character, the number and distance of our posts, and our relations with the Indian tribes and the principal European Powers. It is considered, however, that a satisfactory view of it may be taken without discussing topics so extensive and indefinite. The military establishments of 1802 and 1808 have been admitted, almost universally, to be sufficiently small. The latter, it is true, received an enlargement, from the uncertain state of our foreign relations at that time; but the former was established at a period of profound quiet (the commencement of Mr. Jefferson's administration), and was probably reduced, with a view to economy, to the smallest number then supposed to be consistent with the public safety. Assuming these as a standard, and comparing the present establishment (taking into the comparison the increase of the country) with them, a satisfactory opinion may be formed on a subject, which otherwise might admit so great a diversity of opinion.

Our military peace establishment is limited, by the act of 1815, passed at the termination of the late war, at ten thousand men. The corps of engineers and ordnance, by that and a subsequent act, were retained as they then existed; and the President was directed to constitute the establishment of such portions of artillery, infantry, and riflemen, as he might judge proper. The general orders of the 17th of May, 1815, fix the artillery at 200, the light artillery at 660, the infantry 5,440, and the rifle 660 privates and matrosses. Document A exhibits a statement of the military establishment, including the general staff, as at present organized; and B exhibits a similar view of those of 1802 and 1808; by a reference to which it will appear, that our military es-

tablishments at the respective periods, taken in the order of their dates, present an aggregate of 3,323, 9,996, and 12,656. It is obvious that the establishment of 1808, compared with the then wealth and population of the country, and the number and extent of military posts, is larger in proportion than the present; but the unsettled state of our relations with France and England at that period, renders the comparison not entirely just. Passing, then, that of 1808, let us compare the establishment of 1802 with the present. To form a correct comparison, it will be necessary to compare the capacity and necessities of the country then, with those of the present. Since that period our population has nearly doubled, and our wealth more than doubled; we have added Louisiana to our possessions, and with it a great extent of frontier, both maritime and inland. With the extension of our frontier, and the increase of our commercial cities, our military posts and fortifications have been greatly multiplied. Document marked C exhibits the number and positions of posts in the year 1802, and document D those of the present time; by a reference to which it will be seen that at the former period we had but twenty-seven posts, the most remote of which were, to the north, at Mackinaw, and to the south, at Fort Stoddert, on Mobile River; but now we have seventy-three, which occupy a line of frontier proportionally extended.

On the lakes, the Mississippi, Missouri, Arkansas, and Red River, our posts are now, or will be shortly, extended, for the protection of our trade and the preservation of the peace of the frontiers, to Green Bay, the mouths of the St. Peter's and the Yellow Stone River, Bellepoint, and Natchitoches. Document marked E exhibits a statement of the extent of the line of our frontier, inland and maritime, with the distance of some of the more remote posts from the seat of Government, drawn up by Major Long, of the topographical engineers, from the most approved maps. If, then, the military establishment of 1802 be assumed to be

as small as was then consistent with the safety of the country, our present establishment, when we take into the comparison the prodigious increase of wealth, population, extent of territory, number and distance of military posts, cannot be pronounced extravagant; but, on the contrary, after a fair and full comparison, that of the former period must, in proportion to the necessities and capacity of the country, be admitted to be quite as large as the present; and on the assumption that the establishment of 1802 was as small as the public safety would then admit, a reduction of the expense of our present establishment cannot be made, with safety to the public service, by reducing the army. In coming to this conclusion, I have not overlooked the maxim, that a standing army is dangerous to the liberty of the country, and that our ultimate reliance for defence ought to be on the militia. Its most zealous advocate must, however, acknowledge that a standing army, to a limited extent, is necessary; and no good reason can be assigned why any should exist, but which will equally prove that the present is not too large. To consider the present army as dangerous to our liberty, partakes, it is conceived, more of timidity than wisdom. Not to insist on the character of the officers, who, as a body, are high-minded and honorable men, attached to the principles of freedom by education and reflection, what well-founded apprehension can there be from an establishment distributed on so extended a frontier, with many thousand miles intervening between the extreme points occupied? But the danger, it may be said, is not so much from its numbers, as a spirit hostile to liberty, by which, it is supposed, all regular armies are actuated. This observation is probably true when applied to standing armies collected into large and powerful masses; but, dispersed as ours is over so vast a surface, the danger, I conceive, is of an opposite character—that both officers and soldiers will lose their military habits and feelings, by sliding gradually into those purely civil. I proceed next to con-

sider whether any reduction can be made, with propriety, by changing the organization, or by reducing the number of officers of the line or the staff in proportion to the men. It is obvious that, as the officers are much more expensive, in proportion to their numbers, than the soldiers, the pay of the army, in relation to its aggregate numbers, must be increased or diminished with the increase or diminution of the former. It is impossible to fix any absolute proportion between officers and men which will suit every country and every service; and the organization of different countries, and of different periods in the same country, has accordingly varied considerably. Our present organization, of which document marked A contains an exhibit, is probably as well or better adapted to the nature of our country and service, than any other, as it seems to be the result of experience; for, by a reference to document marked B, it will be seen that it is nearly similar (with the exception of the general staff, in which the present is more extensive) to the organization of the military establishments of 1802 and 1808. It is believed that the proportion of officers of the line to the men, will require no further observations.

The staff, as organized by the act of the last session, combines simplicity with efficiency, and it is considered to be superior to that of the periods to which I have reference. In estimating the expenses of the army, and particularly that of the staff, the two most expensive branches of it (the engineer and ordnance departments) ought not fairly to be included. Their duties are connected with the permanent preparation and defence of the country, and have so little reference to the existing military establishment, that if the army were reduced to a single regiment, no reduction could safely be made in either of them. To form a correct estimate of the duties of the other branches of the staff, and, consequently, the number of officers required, we must take into consideration not only the number of troops, but, what is

equally essential, the number of posts and extent of country which they occupy. Were our military establishment reduced one half, it is obvious that, if the same posts continued to be occupied which now are, the same number of officers in the quartermaster's, commissary's, paymaster's, medical, and adjutant and inspector general's departments, would be required.

To compare, then, as is sometimes done, our staff with those of European armies assembled in large bodies, is manifestly unfair. The act of the last session, it is believed, has made all the reduction which ought to be attempted. It has rendered the staff efficient, without making it expensive. Such a staff is not only indispensable to the efficiency of the army, but is also necessary to a proper economy in its disbursements; and should an attempt be made at retrenchment by reducing the present number, it would, in its consequences, probably prove wasteful and extravagant.

In fact, no part of our military organization requires more attention in peace than the general staff. It is in every service invariably the last in attaining perfection; and, if neglected in peace, when there is leisure, it will be impossible, in the midst of the hurry and bustle of war, to bring it to perfection. It is in peace that it should receive a perfect organization, and that the officers should be trained to method and punctuality; so that, at the commencement of war, instead of creating anew, nothing more should be necessary than to give to it the necessary enlargement. In this country particularly, the staff cannot be neglected with impunity. Difficult as its operations are in actual service every where, it has here to encounter great and peculiar impediments, from the extent of the country, the badness, and frequently the want of roads, and the sudden and unexpected calls which are often made on the militia. If it could be shown that the staff, in its present extent, was not necessary in peace, it would, with the view taken, be unwise to lop off any of its

branches which would be necessary in actual service. With a defective staff, we must carry on our military operations under great disadvantages, and be exposed, particularly at the commencement of a war, to great losses, embarrassments, and disasters. As intimately connected with this part of the subject, it is proper to observe, that so many and such distant small posts as our service requires, not only add to the expense of the army, by rendering a more numerous staff necessary, but they increase the price of almost every article of supply, and the difficulty of enforcing a proper responsibility and economy. To an army thus situated, the expenses and losses resulting from transportation alone constitute a considerable sum. Under the best management, our army must be more expensive, even were our supplies equally cheap, than European armies collected in large bodies, in the midst of populous and wealthy communities. These observations are not made to justify an improper management, or to divert the attention of the House from so important a subject as the expense of our military establishment. They, in fact, ought to have an opposite effect; for just in the same proportion that it is liable to be expensive, ought the attention and effort of the Government to be roused to confine its expenses within the most moderate limits which may be practicable.

The next question which presents itself for consideration is, can the expenses of our military establishment be reduced, without injury to the public service, by reducing the pay and emoluments of the officers and soldiers? There is no class in the community, whose compensation has advanced less since the termination of the war of the revolution, than that of the officers and soldiers of our army. While money has depreciated more rapidly than at any other period, and the price of all of the necessaries of life has advanced proportionably, their compensation has remained nearly stationary. The effects are severely felt by the subaltern officers. It re-

quires the most rigid economy for them to subsist on their pay and emoluments. Documents marked F and G exhibit the pay and subsistence during the revolution, and as at present established; and document marked H exhibits the allowance of clothing, fuel, forage, transportation, quarters, waiters, stationery, and straw, at the termination of the revolutionary war, and in 1802, 1815, and 1818. By a reference to those documents, it will be seen that, under most of the heads, the variations of the different periods have been very small, and that, on a comparison of the whole, the pay of an officer is not near equal now, if allowance is made for the depreciation of money, to what it was during the revolution. I will abstain from further remarks, as it must be obvious, from these statements, that the expense of our military establishment cannot be materially reduced, without injury to the public service, by reducing the pay and emoluments of the officers and soldiers.

It only remains to consider, in relation to this part of the resolution of the House, whether the expense of our military establishment can be reduced by a proper attention to its administration, or by a more rigid enforcement of responsibility and economy. Our military establishment is doubtless susceptible of great improvement in its administration. The field is extensive, and the attention of the Government has not heretofore been so strongly directed towards it as its importance deserves. Here all savings are real gains, not only in a moneyed, but a moral and political point of view. An inefficient administration, without economy or responsibility, not only exhausts the public resources, but strongly tends to contaminate the moral and political principles of the officers who are charged with the disbursements of the army. To introduce, however, a high state of economy and responsibility in the management of a subject so extensive and complicated as our military establishment, is a task of great difficulty, and requires not only a perfect organization of the

department charged with it, but a continued energetic and judicious enforcement of the laws and regulations established for its government. The organization is the proper sphere of legislation, as the application of the laws and regulations is that of administration. The former has done all, or nearly all, that can be done. It is believed that the organization of the War Department, as well as the general staff of the army, is not susceptible of much improvement. The act of the last session, regulating the staff, has not only made important savings in the expenses of the army, but has given both to the Department and the staff a much more efficient organization than they ever before had. Every department of the army charged with disbursements, has now a proper head, who, under the laws and regulations, is responsible for its administration. The head of the Department is thus freed from detail, and has leisure to inspect and control the whole of the disbursements. Much time and reflection will be required to bring the system into complete operation, and to derive from it all the advantages which ought to be expected. The extent of the saving which may result from it can only be ascertained by time and experience; but, with an attentive and vigorous administration, it doubtless will be considerable. In war it will be much more difficult to enforce economy and responsibility; but, with a system well organized, and with officers trained to method and punctuality, much of the waste and frauds which would otherwise take place in war, will be prevented. In peace, there can be no insuperable difficulty in attaining a high degree of responsibility and economy. The mere moneyed responsibility, or that of purchases and disbursements, will be easily enforced. The public now sustain much greater losses in the waste and improper use of public property, than in their moneyed transactions. In our military establishment, responsibility in the latter is well checked, and not badly enforced. The accounts are rendered with considerable punc-

tuality, and are promptly settled; and even neglect or misapplication of public funds by the disbursing officers, is not often accompanied with ultimate losses, as they are under bonds for the faithful discharge of their duties. Accountability, as it regards the public property, is much more difficult, and has heretofore been much less complete. Returns of property in many cases, particularly in the medical department, have rarely been required; and even when they have been, they have not been made with punctuality. It cannot be doubted but that the public has sustained very considerable damage from this want of accountability. Every article of public property, even the smallest, ought, if possible, to be in charge of some person who should be responsible for it. It will be difficult to attain this degree of perfection; but it is hoped, by making each of the subordinate departments of the War Department liable for the property in its charge, a very considerable improvement and reduction of expenses will be made.

On the quality of the ration, and the system of supplying and issuing it, which I propose next to consider, the health, comfort, and efficiency of the army mainly depend. Too much care cannot be bestowed on these important subjects; for, let the military system be ever so perfect in other particulars, any considerable deficiency in these must, in all great military operations, expose an army to the greatest disasters. All human efforts must, of necessity, be limited by the means of sustenance. Food sustains the immense machinery of war, and gives the impulse to all its operations; and if this essential be withdrawn, even but for a few days, the whole must cease to act. No absolute standard can be fixed, as it regards either the quantity or quality of the ration. These must vary, according to the habits and products of different countries. The great objects are, first, and mainly, to sustain the health and spirit of the troops; and the next, to do it with the least possible expense. The

system which effects these in the greatest degree is the most perfect. The ration, as established by the act of the 16th March, 1802, experience proves to be ample in quantity, but not of the quality best calculated to secure either health or economy. It consists of eighteen ounces of bread, or flour; one pound and a quarter of beef, or three-quarters of a pound of pork; one gill of rum, brandy, or whiskey; but at the rate of two quarts of salt, four quarts of vinegar, four pounds of soap, and one pound and a half of candles, to every hundred rations.

The objection to it, in relation to the health of the army, is fully stated in a report of the surgeon general to the War Department, marked I, which I would respectfully annex as a part of this report. Under this view of the subject, more need not to be added, except to urge its importance, both on the score of humanity and policy.

Our people, even the poorest, being accustomed to a plentiful mode of living, require, to preserve their health, a continuation, in a considerable degree, of the same habits of life, in a camp; and a sudden and great departure from it subjects them, as is proved by experience, to great mortality. Our losses, in the late and revolutionary wars, from this cause, were probably much greater than from the sword. However well qualified for war in other respects, in the mere capacity of bearing privations we are inferior to most nations. An American would starve on what a Tartar would live with comfort. In fact, barbarous and oppressed nations have, in this particular, a striking advantage, which, however, ought to be more than compensated by the skill and resources of a free and civilized people. If, however, such a people want the skill and spirit to direct its resources to its defence, the very wealth, by which it ought to defend itself, becomes the motive for invasion and conquest. Besides, there is something shocking to the feelings, that in a country of plenty beyond all others, in a country which ordina-

rily is so careful of the happiness and life of the meanest of its citizens, its brave defenders, who are not only ready, but anxious to expose their lives for the safety and glory of their country, should, through a defective system of supply, be permitted almost to starve, or to perish by the poison of unwholesome food, as has frequently been the case. If it could be supposed that these considerations are not sufficient to excite the most anxious care on this subject, we ought to remember, that nothing adds more to the expense of military operations, or exposes more to its disasters, than the sickness and mortality which result from defective or unwholesome supplies. Impressed with this view of the subject, considerable changes have been made in the ration, under the authority of the eighth section of the act regulating the staff of the army, passed at the last session of Congress. The vegetable part of the ration has been much increased. Twice a week a half allowance of meat, with a suitable quantity of peas or beans, is directed to be issued. Fresh meat has also been substituted twice a week for salted. In the Southern division, bacon and kiln-dried Indian corn meal have been, to a certain extent, substituted for pork and wheat flour. In addition, orders have been given, at all the permanent posts where it can be done, to cultivate a sufficient supply of ordinary garden vegetables for the use of the troops; and at the posts remote from the settled parts of the country, the order is extended to the cultivation of corn, and to the supply of the meat part of the ration, both to avoid the expense of distant and expensive transportation, and to secure at all times a supply within the posts themselves.

In addition to these changes, I am of opinion that the spirit part of the ration, as a regular issue, ought to be dispensed with; and such appears to be the opinion of most of the officers of the army. It both produces and perpetuates habits of intemperance, destructive alike to the health,

and moral and physical energy of the soldiers. The spirits ought to be placed in depot, and issued occasionally under the discretion of the commander. Thus used, its noxious effects would be avoided, and the troops, when great efforts were necessary, would, by a judicious use, derive important benefits from it. Molasses, beer, and cider, according to circumstances, might be used as substitutes. The substitution of bacon and kiln-dried corn meal in the Southern division will have, it is believed, valuable effects. They are both much more congenial to the habits of the people in that section of the country. Corn meal has another, and, in my opinion, great and almost decisive advantage—it requires so little art to prepare it for use. It is not easy to make good bread of wheat flour, whilst it is almost impossible to make bad of that of Indian corn. Besides, wheat is much more liable to be damaged than the Indian corn; for the latter is better protected against disease, and the effects of bad seasons in time of harvest, than any other grain; and, when injured, the good is easily separated from the bad. Experience proves it to be not less nutritious than wheat, or any other grain. Parched corn constitutes the principal food of an Indian warrior; and such are its nutritious qualities, that they can support long and fatiguing marches on it alone.

I next proceed to consider the system of supplying the army with provisions, or the establishment of a commissariat; and, as they are connected in their nature, I propose to consider that part of the resolution in relation to a commissariat, and the mode of issuing the rations, at the same time.

The system established at the last session will, in time of peace, be adequate to the cheap and certain supply of the army. The act provides for the appointment of a commissary general, and as many assistants as the service may require, and authorizes the President to assign to them their

duties in purchasing and issuing rations. It also directs that the ordinary supplies of the army should be purchased on contracts to be made by the commissary general, and to be delivered, on inspection, in the bulk, at such places as shall be stipulated in the contract. Document marked J, contains the rules and regulations which have been established by the order of the President, and presents the operation of the system in detail. It is believed that it is as well guarded against fraud as any other department of our military supplies; and, judging from the contracts already formed under it, will, when improved by experience, probably make a considerable saving. It would improve the system, to authorize the appointment of two deputy commissaries, one for each division, with the pay, rank, and emoluments of major of infantry, to be taken from the line, or from citizens; and so to amend the act of the last session, as to authorize the President to appoint the assistant commissaries, either from the line or from citizens. When the assistant commissary is not taken from the line, to make his pay equal to that of a subaltern appointed from the line, it ought to be fifty dollars per month, with two rations a day. It should be the duty of the deputy commissaries to perform such service as the commissary general might prescribe, and particularly to inspect the principal depots, and, in cases of necessity, to make the necessary purchases. When a suitable subaltern cannot be had, or when his services are necessary in the line, the power proposed to be vested in the President to select from citizens would be important. It is not believed that any other alteration would be necessary in peace; but the system would require great enlargement in war, to render it sufficiently energetic to meet the many vicissitudes incidental to the operation of war. It would then be necessary to divide the system into two divisions; one for purchasing, and the other for issuing of rations, with as many deputy commissaries of purchases and issues as

there may be armies and military districts, to whom ought to be added a suitable number of assistants. The basis of the system ought in war to be the same as is now established. The ordinary supplies ought to be by contract on public proposals. By a judicious collection of provisions at proper depots, combined with an active and energetic system of transportation, it would be seldom necessary to resort to any other mode of purchasing. To provide, however, for contingencies, the purchasing department ought to be efficiently organized, and a branch of it, as already stated, attached to each army and military department. As it is the means to be resorted to in cases of necessity, it ought to possess those high and discretionary powers which do not admit of exact control. It is, in its nature, liable to many abuses; and to prevent them from being great, more efficient regulations and checks are required than in any other branch of the general staff.

The defects of the new contract system are so universally acknowledged by those who have experienced its operation in the late war, that it cannot be necessary to make many observations in relation to it. Nothing can appear more absurd, than that the success of the most important military operations, on which the very fate of the country may depend, should ultimately rest on men who are subject to no military responsibility, and on whom there is no other hold than the penalty of a bond. When we add to this observation, that it is often the interest of a contractor to fail at the most critical juncture, when the means of supply become the most expensive, it seems strange that the system should have been continued for a single campaign. It may be said that, when the contractor fails, the commander has a right to purchase at his risk, by which the disasters which naturally result from a failure may be avoided. The observation is more specious than solid. If, on failure of the contractor, there existed a well-organized system for purchasing

the supplies, there would be some truth in it; but without such a system, without depots of provisions, and with the funds intended for the supply of the army perhaps in the hands of the contractor, his failure must generally be fatal to a campaign. It is believed that a well-organized commissariat, whose ordinary supplies are obtained by contract founded on public notice, possesses (besides those peculiar to itself) all of the advantages fairly attributable to the system of issuing rations by contract. It is equally guarded against fraud, and its purchases can be made on terms more advantageous. A considerable objection to the system of issuing the ration by contract is, that the merchants and capitalists are deterred from bidding, by the hazard of issuing the ration; and thus the sphere of competition is contracted, and the contracts for supplying of the army often thrown into the hands of adventurers. This objection is avoided under the present system, by which the nation will be cheaply supplied, and the danger of failure almost wholly removed.

All of which is respectfully submitted.

J. C. CALHOUN.

To the Hon. H. CLAY, Speaker of the House of Representatives.

REPORT

On Roads and Canals, communicated to the House of Representatives, January 14, 1819.

SIR,—In compliance with a resolution of the House of Representatives of the 4th of April, 1818, instructing the Secretary of War to report to that House, at their next session, "a plan for the application of such means as are within the power of Congress, for the purpose of opening and con-

structing such roads and canals as may deserve and require the aid of Government, with a view to military operations in time of war;—the transportation of munitions of war;—and also a statement of the nature of the works above mentioned, which have been commenced, the progress which has been made, and the means and prospect of their completion; together with such information as, in the opinion of the Secretary, shall be material in relation to the objects of the resolution;"—I have the honor to make the following report:—

A judicious system of roads and canals, constructed for the convenience of commerce, and the transportation of the mail only, without any reference to military operations, is itself among the most efficient means for "the more complete defence of the United States." Without adverting to the fact, that the roads and canals which such a system would require, are, with few exceptions, precisely those which would be required for the operation of war, such a system, by consolidating our Union, and increasing our wealth and fiscal capacity, would add greatly to our resources in war. It is in a state of war, when a nation is compelled to put all of its resources in men, money, skill, and devotion to country, into requisition, that its Government realizes, in its security, the beneficial effects from a people made prosperous and happy by a wise direction of its resources in peace. But I forbear to pursue this subject, though so interesting, and which, the further it is pursued, will the more clearly establish the intimate connection between the defence and safety of the country and its improvement and prosperity, as I do not conceive that it constitutes the immediate object of this report.

There is no country to which a good system of military roads and canals is more indispensable than to the United States. As great as our military capacity is, when compared with the number of our people, yet, when considered in relation to the vast extent of our country, it is very small;

and if so great an extent of territory renders it very difficult to conquer us, as has frequently been observed, it ought not to be forgotten that it renders it no less difficult for the Government to afford protection to every portion of the community. In the very nature of things the difficulty of protecting every part, so long as our population bears so small a proportion to the extent of the country, cannot be entirely overcome, but it may be very greatly diminished, by a good system of military roads and canals. The necessity of such a system is still more apparent, if we take into consideration the character of our political maxims and institutions. Opposed in principle to a large standing army, our main reliance for defence must be on the militia, to be called out frequently from a great distance, and under the pressure of an actual invasion. The experience of the late war amply proves, in the present state of our internal improvements, the delay, the uncertainty, the anxiety, and exhausting effects of such calls. The facts are too recent to require details, and the impression too deep to be soon forgotten. As it is the part of wisdom to profit by experience, so it is of the utmost importance to prevent a recurrence of a similar state of things, by the application of a portion of our means to the construction of such roads and canals as are required, "with a view to military operations in time of war, the transportation of the munitions of war, and more complete defence of the United States."

In all questions of military preparations, three of our frontiers require special attention: the Eastern, or Atlantic frontier; the Northern, or Canadian frontier; and the Southern, or the frontier of the Gulf of Mexico. On the west and north-west we are secure,—except against Indian hostilities; and the only military preparations required in that quarter are such as are necessary to keep the Indian tribes in awe, and to protect the frontier from their ravages. All of our great military efforts growing out of a war with a

European power, must, for the present, be directed towards our Eastern, Northern, or Southern frontiers; and the roads and canals which will enable the Government to concentrate its means for defence, promptly and cheaply, on the vulnerable points of either of these frontiers, are those which, in a military point of view, require the aid of the Government. I propose to consider each of those frontiers separately,—beginning with the Atlantic, which, in many respects, is the weakest and most exposed.

From the mouth of the St. Croix to that of the St. Mary's, the two extremes of this frontier, is a distance along the line of the coast and principal bays, without following their sinuosities, of about 2,100 miles. On this line, including its navigable rivers and bays, are situated our most populous cities, the great depots of the wealth and commerce of the country. That portion of it which extends to the Chesapeake has, with the exception of the cities and their immediate neighborhood, a sparse population, with a low marshy country, extending back from 100 to 150 miles. To the north of the Chesapeake, inclusive, it affords every where deep and bold navigable bays and rivers, which readily admit vessels of any size. Against a line so long, so weak, so exposed, and presenting such strong motives for depredations,—hostilities the most harassing and exhausting may be carried on by a naval power; and should the subjugation of the country ever be attempted, it is probable that against this frontier, facing Europe,—the seat of the great powers of the world,—the principal efforts would be turned. Thus circumstanced, it is the duty of the Government to render it as secure as possible. For much of this security we ought to look to a navy and a judicious and strong system of fortifications; but not to the neglect of such roads and canals as will enable the Government to concentrate, promptly and cheaply, at any point which may be menaced, the necessary force and means for defence. To resist ordinary hostilities,

having for their object the destruction of our towns, and the exhaustion of our means, the force ought to be drawn from the country lying between the coast and the sources of the principal rivers which discharge through it into the ocean; but to resist greater efforts, aiming at conquest, should it ever be attempted, the force and resources of the whole community must be brought into resistance. To concentrate, then, a sufficient force on any point of this frontier which may be invaded, troops must be marched, and munitions of war transported, either along the line of the coast, or from the interior of the Atlantic States to the coast; or, should the invading force be of such magnitude as to require it, from the Western States; and the roads and canals necessary for the defence of this frontier, are those which will render these operations prompt, certain, and economical.

From the coast to the Alleghany Mountains, and the high land separating the streams which enter into the St. Lawrence from those of the Atlantic, in which the principal Atlantic rivers take their rise, the distance may be averaged at about 250 miles; and the whole extent from the St. Mary's to the St. Croix is intersected at short intervals by large navigable rivers, and the principal roads of this portion of our country, through which its great commercial operations are carried on. These, aided by the steamboats now introduced on almost all of our great rivers, present great facilities to collect the militia from the interior, and to transport the necessary supplies and munitions of war.

Much undoubtedly remains to be done to perfect the roads and improve the navigation of the rivers; but this, for the most part, may be safely left to the States, and the commercial cities particularly interested, as the appropriate objects of their care and exertions. The attention of both has recently been much turned towards these objects, and a few years will probably add much to facilitate the intercourse between the coast and the interior of the Atlantic States.

Very different is the case with the great and important line of communication, extending along the coast through the Atlantic States. No object of the kind is more important; and there is none to which State or individual capacity is more inadequate. It must be perfected by the General Government, or not be perfected at all, at least for many years. No one or two States have a sufficient interest. It is immediately beneficial to more than half of the States of the Union, and, without the aid of the General Government, would require their co-operation. It is at all times a most important object to the nation, and, in a war with a naval power, is almost indispensable to our military, commercial, and financial operations. It may, in a single view, be considered the great artery of the country; and when the coasting trade is suspended by war, the vast intercourse between the North and South, which annually requires 500,000 tons of shipping, and which is necessary to the commerce, the agriculture, and manufactures of more than half of the Union, seeks this channel of communication. If it were thoroughly opened by land and water;—if Louisiana were connected by a durable and well-finished road with Maine, and Boston with Savannah, by a well-established line of inland navigation, for which so many facilities are presented, more than half of the pressure of war would be removed. A country so vast in its means, and abounding in its various latitudes with almost all of the products of the globe, is almost a world of itself; and with the facility of intercourse, to perfect which the disposable means of the country is adequate, would flourish and prosper under the pressure of a war with any power. But, dropping this more elevated view, and considering the subject only as it regards "military operations in time of war, and the transportation of the munitions of war," what could contribute so much as this communication to the effectual and cheap defence of our Atlantic frontier? Take the line of inland navigation along the coast,

the whole of which, it is estimated, could be completed for sea vessels by digging 100 miles, and at the expense of $3,000,000, the advantage which an enemy with a naval force now has, by rapidly moving along the coast, and harassing and exhausting the country, would be in a great measure lost to him. In fact, the capacity for rapid and prompt movements and concentration would be, to the full, as much in our power. We would have, in most of the points of attack, a shorter line to move over, in order to concentrate our means; and, aided by steamboats, would have the capacity to pass it in a shorter time, and with greater certainty, than an enemy, even with a naval superiority, would have to attack us. Suppose the fleet of such an enemy should appear off the Capes of Delaware; before it could possibly approach and attack Philadelphia, information, by telegraphic communication, might be given to Baltimore and New York, and the forces stationed there thrown in for its relief. The same might take place if Baltimore or New York should be invaded; and should an attack be made on any of our cities, the militia and regular forces at a great distance along the coast could in a short time be thrown in for its relief. By this speedy communication, the regular forces, with the militia of the cities and their neighborhood, would be sufficient to repel ordinary invasions, and would either prevent, or greatly diminish, the harassing calls upon the militia of the interior. If to these considerations we add the character of the climate of the southern portion of the Atlantic frontier, so fatal to those whose constitutions are not inured to it, the value of this system of defence, by the regular troops and the militia accustomed to the climate, will be greatly enhanced. Should the line of inland navigation be constructed, to enjoy its benefits fully, it will be necessary to cover it against the naval operations of an enemy. It is thought that this may be easily effected to the south of the Chesapeake, by land and steam batteries. That bay itself

is one of the most important links in the line of communication, and its defence against a naval force ought, if practicable, to be rendered complete. It was carefully surveyed the last summer by skilful officers for this purpose, in part, and it is expected that their report will throw much light upon this important subject. Long Island Sound, another part of the line which is exposed, can be fully defended by a naval force only. It remains, in relation to the defence of the Atlantic frontier, to consider the means of communication between it and the Western States, which require the aid of the Government. Most of the observations made relative to the increased strength and capacity of the country to bear up under the pressure of war, from the coastwise communication, are applicable in a high degree at present, and are daily becoming more so, to those with the Western States; and should a war for conquest ever be waged against us (an event not probable, but not to be laid entirely out of view), the roads and canals necessary to complete the communication with that portion of our country would be of the utmost importance.

The interest of commerce and the spirit of rivalry between the great Atlantic cities will do much to perfect the means of intercourse with the West. The most important lines of communication appear to be from Albany to the Lakes; from Philadelphia, Baltimore, Washington, and Richmond, to the Ohio River; and from Charleston and Augusta to the Tennessee,—all of which are now commanding the attention, in a greater or less degree, of the sections of the country immediately interested. But in such great undertakings, so interesting in every point of view to the whole Union, and which may ultimately become necessary to its defence, the expense ought not to fall wholly on the portions of the country immediately interested. As the Government has a deep stake in them, and as the system of defence will not be perfect without their completion, it ought, at

least, to bear a proportional share of the expense of their construction.

B. I proceed next to consider the roads and canals connected with the defence of our northern frontier. That portion of it which extends to the east of Lake Champlain has not heretofore been the scene of extensive military operations, and I am not sufficiently acquainted with the nature of the country to venture an opinion whether we may hereafter be called on to make considerable military efforts in that quarter. Without, then, designating any military improvements as connected with this portion of our northern frontier, I would suggest the propriety, should Congress approve of the plan for a military survey of the country, to be hereafter proposed, to make a survey of it the duty of the engineers who may be designated for that purpose.

For the defence of the other part of this line of frontier, the most important objects are, a canal or water communication between Albany and Lake George and Lake Ontario, and between Pittsburg and Lake Erie. The two former have been commenced by the State of New York, and will, when completed, connected with the great inland navigation along the coast, enable the Government, at a moderate expense, and in a short time, to transport munitions of war, and to concentrate its troops from any portion of the Atlantic States, fresh and unexhausted by the fatigue of marching, on the inland frontier of the State of New York. The road commenced by order of the Executive, from Plattsburg to Sacketts Harbor, is essentially connected with military operations on this portion of the northern frontier. A water communication from Pittsburg to Lake Erie would greatly increase our power on the upper lakes. The Alleghany River, by its main branch, is said to be navigable within seven miles of Lake Erie, and by French Creek within sixteen miles. Pittsburg is the great military depot of the country to the west of the Alleghanies; and, if it were connected by a canal with Lake Erie, would furnish

military supplies with facility to the upper lakes as well as to the country watered by the Mississippi. If to these communications we add a road from Detroit to Ohio, which has already been commenced, and a canal from the Illinois River to Lake Michigan, which the growing population of the State of Illinois renders very important, all the facilities which would be essential, to carry on military operations in time of war, and the transportation of the munitions of war, for the defence of the western portion of our northern frontiers, would be afforded.

It only remains to consider the system of roads and canals connected with the defence of our southern frontier, or that on the Gulf of Mexico. For the defence of this portion of our country, though at present weak of itself, nature has done much. The bay of Mobile, and the entrance into the Mississippi through all its channels, are highly capable of defence. A military survey has been made, and the necessary fortifications have been commenced, and will be in a few years completed. But the real strength of this frontier is the Mississippi, which is no less the cause of its security than that of its commerce and wealth. Its rapid stream, aided by the force of steam, can, in the hour of danger, concentrate at once an irresistible force. Made strong by this noble river, little remains to be done by roads and canals for the defence of our southern frontier. The continuation of the road along the Atlantic coast from Milledgeville to New Orleans, and the completion of the road which has already been commenced from the Tennessee River to the same place, with the inland navigation through the canal of Carondelet, Lake Ponchartrain, and the islands along the coast, to Mobile, covered against the operations of a naval force, every facility required for the transportation of the munitions of war, and movements and concentration of troops, to protect this distant and important frontier, would be afforded. Such are the roads and canals which military operations in time of war,

the transportation of the munitions of war, and the more complete defence of the United States, require. Many of the roads and canals which have been suggested, are no doubt of the first importance to the commerce, the manufactures, the agriculture, and political prosperity of the country, but are not, for that reason, less useful or necessary for military purposes. It is, in fact, one of the great advantages of our country, enjoying so many others, that, whether we regard its internal improvements in relation to military, civil, or political purposes, very nearly the same system, in all its parts, is required. The road or canal can scarcely be designated, which is highly useful for military operations, that is not equally required for the industry or political prosperity of the community. If those roads or canals had been pointed out which are necessary for military purposes only, the list would have been small indeed. I have therefore presented all, without regard to the fact that they might be employed for other uses, which, in the event of war, would be necessary to give economy, certainty, and success to our military operations, and which, if they had been completed before the late war, would, by their savings in that single contest in men, money, and reputation, have more than indemnified the country for the expense of their construction. I have not prepared an estimate of expenses, nor pointed out the particular routes for the roads or canals recommended, as I conceive that this can be ascertained with satisfaction only by able and skilful engineers, after a careful survey and examination.

I would therefore respectfully suggest, as the basis of the system, and the first measure in the plan for the application of such means as are in the power of Congress, that Congress should direct such a survey and estimate to be made, and the result laid before them as soon as practicable. The expense would be inconsiderable, for, as the army can furnish able military and topographical engineers, it would be principally confined to the employment of one or more skilful

civil engineers, to be associated with them. By their combined skill, an efficient system of military roads and canals would be presented in detail, accompanied with such estimates of expenses as may be relied on. Thus, full and satisfactory information would be had; and though some time might be lost in the commencement of the system, it would be more than compensated by its assured efficiency when completed.

For the construction of the roads and canals which Congress may choose to direct, the army, to a certain extent, may be brought in aid of the moneyed resources of the country. The propriety of employing the army on works of public utility cannot be doubted. Labor adds to its usefulness and health. A mere garrison life is equally hostile to its vigor and discipline; both officers and men become the subjects of its deleterious effects. But when the vast extent of our country is compared with the extent of our military establishment, and taking into consideration the necessity of employing the soldiers on fortifications, barracks, and roads, connected with remote frontier posts, we ought not to be sanguine in the expectation of aid to be derived from the army in the construction of permanent military roads and canals at a distance from the frontiers. When our military posts come to be extended up the Mississippi and Missouri as far as is contemplated, the military frontier of the United States, not including sinuosities, and the coasts of navigable bays and lakes opening into our country (as was stated in a former report), will present a line of more than nine thousand miles, and, including them, of more than eleven thousand. Thinly scattered along so extensive a frontier, it will be impossible, I fear, without leaving some points exposed, to collect any considerable bodies in the interior of the country to construct roads and canals.

As connected with this subject, I would respectfully suggest the propriety of making an adequate provision for the soldiers while regularly and continually employed in

constructing works of public utility. The present allowance is fifteen cents a day, which is considered sufficient in occasional fatigue duty, such as is now done at most of the posts ; but if systematic employ on permanent works should be made the regular duty of soldiers who can be spared for that purpose, a compensation (taking into the estimate the obligation of the Government to provide medical attendance and pensions to the diseased and disabled soldiers), not much short of the wages of daily labor, ought to be granted to them. Without such provision, which is dictated by justice, an increase of desertion and difficulty in obtaining recruits ought to be expected. Among the leading inducements to enlist is the exemption from labor ; and if the life of a soldier should be equally subjected to it as that of other citizens in the same grade, he will prefer, if the wages are much inferior, to labor for himself instead of laboring for the public. The pay of a soldier is sixty dollars per annum ; and if he were allowed, when employed permanently on fatigue, twenty-five cents a day, and suppose him to be employed two hundred days in the year, his compensation, including his pay, would be one hundred and ten dollars per annum—a sum, it is thought, considerably short of the average wages of labor. If this sum should be allowed, the greater portion of it ought to be paid at the expiration of the term of enlistment. If fifteen cents a day were so reserved, and the soldier should be employed one thousand days in the five years for which he is enlisted, it would constitute a sum of one hundred and fifty dollars, to be paid at the expiration of his term, which ought, in the same manner as the bounty land, to be made to depend on an honorable discharge. This would furnish an important hold on the fidelity of the soldiers, and would be a powerful check to the great and growing crime of desertion. An honorable discharge is now worth but little to the soldier ; and the consequence is, that desertions are more frequent with those enlisted since the war than those who

were then enlisted, and are entitled to the bounty in land on their honorable discharge; the latter patiently waits the expiration of his term of service, while the former frequently seizes the first favorable opportunity for desertion.

Should Congress think proper to commence a system of roads and canals for the "more complete defence of the United States," the disbursement of the sums appropriated for the purpose might be made by the Department of War, under the direction of the President. Where incorporated companies are already formed, or the road or canal already commenced under the superintendence of a State, it perhaps would be advisable to direct a subscription on the part of the United States, on such terms and conditions as might be thought proper. In other cases, and where the army cannot be made to execute it, the work ought to be done by contract, under the superintendence and inspection of officers of the engineer corps, to be detailed for that purpose. It is thus the Government will be able, it is thought, to construct on terms at least as favorable as corporate companies. The system of constructing all public works (which admit of it) by contract would be attended with important advantages. It has recently been adopted in the construction of fortifications, and, it is expected, will be attended with beneficial effects. The principal works at Mobile and New Orleans have been contracted for on terms considerably under the estimate of the engineers. Such a system extended to military roads and canals, combined with a careful inspection and superintendence by skilful engineers, will enable the Government to complete them with economy, durability, and dispatch.

In the view which has been taken, I have thought it improper, under the resolution of the House, to discuss the constitutional question, or how far the system of internal improvements which has been presented, may be carried into effect on the principles of our Government; and, therefore, the whole of the arguments which are used, and the measures

proposed, must be considered as depending on the decision of that question.

The only military roads which have been commenced are, from Plattsburg to Sacketts Harbor, through the Chateaugay country; from the northern boundary of the State of Tennessee, and crossing the Tennessee River, near the Muscle Shoals, to Madisonville, Louisiana; and from Detroit to Fort Meigs, at the foot of the rapids of the Miami of the Lakes. Documents marked A, B, and C, show the progress which has been made. These roads have been commenced, and thus far completed, by the labor of the soldiers, who, while they are so employed, receive fifteen cents per day, with an extra allowance of a gill of whiskey. The labor of the troops is the only means within the reach of the department of completing these roads; and as the troops are so employed only when they are not engaged in active service, it is impossible to state, with accuracy, when the roads will be completed.

J. C. CALHOUN.

The Hon. HENRY CLAY, Speaker of the House of Representatives.

LETTER

In relation to an additional Military Academy, communicated to the House of Representatives, January 29, 1819.

DEPARTMENT OF WAR, *January 15th*, 1819.

In reply to that part of your letter of the 20th of November, which requests my opinion on the expediency of establishing one or more additional military academies, and their places of location, and such other information and facts as I may deem proper to communicate on these subjects,

with the probable annual expenses of these establishments, I have the honor to make the following statement :—

The number of cadets now authorized by law is two hundred and fifty, who are divided into four classes ; the cadets of one of which every year terminate their studies, and are promoted into the army. As the academy is now nearly full, it is probable that the number which will annually terminate their studies, and, consequently, will be candidates for promotion, will not be much short of fifty. The number of vacancies in the army, which have occurred from the 1st of August, 1816, to the 1st of May, 1818, has been one hundred and forty-eight, or about eighty-four per annum ; but, as it is probable that the causes which have operated to produce so many vacancies in this time have been accidental, and consequent on the change from active service to the inactivities of a peace establishment, there will not, it is believed, in future be so many ; and that the cadets who will annually terminate their studies at West Point will be equal, or nearly so, to the annual average vacancies. In this view of the subject, an additional military academy would not now be required. But it seems to me that the question ought not to be determined by a reference simply to the wants of our military peace establishment, which, from our geographical position, and the policy of our Government, will always bear a small proportion to the population of the country, and to our military establishment in time of war. So far from graduating the number or extent of our military academies, by the want of the army in time of peace, the opposite principle would probably be more correct ; that, in proportion, as our regular military establishment is small, the Government ought to be careful to disseminate, by education, a knowledge of the art of war.

The army itself is a practical school of this art, which, except in the higher branches, may, where it bears a large proportion to the population of the country, supersede other

modes of perpetuating or disseminating this indispensable art. But in a country situated as ours is, with a small standing army, and far removed from any power from which we have much to fear, the important knowledge of the art of defending our shores will, in a long peace, without the particular patronage of the Government, be nearly lost.

The establishment of military academies is the cheapest and safest mode of producing and perpetuating this knowledge. The Government ought to furnish the means to those who are willing to bestow their time to acquire it. The cadets who cannot be provided for in the army will return to private life ; but in the event of war, their knowledge will not be lost to the country. The Government may then avail itself of their military science ; and, though they may not be practically acquainted with all of the details of the duty in the army, they will acquire it in a much shorter time than those who have not had the advantage of a military education. No truth is better supported by history than that, other circumstances being nearly equal, victory will be on the side of those who have the best instructed officers. The duties of a soldier are few and simple, and, with well-instructed officers, they can be acquired in a short time ; as our own experience, and that of other countries, has satisfactorily proved. To form competent officers, in the present improved state of the art of war, is much more difficult ; as an officer, besides a knowledge of the duties belonging to the soldier, has others of a more difficult nature to acquire, and which can only be acquired by a long experience, or by regular military education.

With these views, I would recommend one additional military academy. It ought to be placed where it would mutually accommodate the Southern and Western portions of our country, which are the most remote from the present institution. Besides an additional academy, I would submit, for the consideration of the committee, the propriety

of establishing a school of practice, to be fixed near the seat of Government. On this important subject, I respectfully annex, as a part of this communication, a report from General Bernard and Colonel McRee to this Department, in which the subject is so fully discussed as to supersede the necessity of any further observations. The expenses of erecting the necessary buildings for an additional military academy, on a scale as extensive as that at West Point, would cost about one hundred and thirty thousand dollars, of which sum, however, but a small part would be required for this year. The current expenses of the institution would (excluding the pay of the cadets, which is sixteen dollars per month, and two rations per day) probably amount to about twenty-two thousand dollars per annum.

For the school of practice there would be but little expense, except the erection of the necessary buildings for the accommodation of the institution. The pay of the superintendent and professors, should they be even taken from citizens, would not exceed eight thousand five hundred dollars, which would constitute nearly the whole of the current expense, as the lieutenants of the artillery and engineers, while at the institution, will not receive any additional pay or emoluments. The expense of the buildings may be estimated at eighty thousand dollars, of which, however, but a small part would be required for the present year.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

Hon. R. M. JOHNSON, Chairman of the Committee on Military Affairs, House of Representatives.

Estimates for the year 1819, communicated to the House of Representatives, December 22, 1818.

DEPARTMENT OF WAR, *December 19th*, 1818.

SIR,—I have received your three letters of the 16th and 17th instant, in relation to the estimates of the War Department for the year 1819; in answer to which I respectfully submit, for the consideration of the committee, the reports and statements upon which the estimates were formed. It is believed that they will afford a much fuller and more satisfactory view of the reasons which governed the Department in determining the amount of the respective appropriations which have been asked for, than could be presented within the ordinary limits of a letter. The documents are so voluminous, that, to avoid the trouble of copying, I have transmitted the originals; and I must request of you to return them, after the committee shall have done with them. Should it be thought advisable to lay any part of them before the House, they can be copied for that purpose.

Under the head of "pay of the army," it is estimated that there will be a probable balance, at the end of the year, of about $300,000; and, consequently, that sum may be deducted from the appropriation of the ensuing year. Orders have been given to suspend the works at Rouse's Point until the line between the United States and Lower Canada shall be determined. The sum of $200,000, which was estimated for it, will probably not be required, and may be omitted in the appropriation for fortifications.

Since the estimates were formed, the contracts under the new system for supplying the army with provisions after the 1st of June next have been completed, and it is ascertained that a reduction may be made under the head of subsist-

ence. The contract system will terminate on the 1st of June next. To complete the deliveries under the present contracts until that time will probably require the sum of $303,441; and it is estimated that the expense of subsistence from the 1st of June, 1819, at which time the system of supplying the army by companies will commence, until the 1st of June, 1820, cannot exceed $503,700; but as four fifths of the rations will be required, by the terms of the contracts, to be delivered between the 1st of June, 1819, and the 1st of January, 1820, the sum of $403,160 will be necessary to meet the deliveries in 1819; and consequently, the whole appropriation required for the next year, under this head, will be $706,601, instead of $858,125, the sum stated in the estimate. On a review of the estimate for clothing, it is believed that the sum of $400,000 will be ample; and, consequently, $30,000 may be subtracted from the estimate. Document marked E, will show on what grounds the sum of $50,000 is asked for the medical and hospital department. On the 1st of January last it was estimated that there was a balance of $15,000, which, added to the sum appropriated for the current year, viz., $15,000, makes $30,000, as applicable to the service of this year; in addition to which, there was transferred to this item, by order of the President, during the present year, the sum of $50,000. The disbursements in the medical and hospital department will probably not fall short of $70,000 during the present year.

By the statement from the Ordnance Department, marked G, it will appear that no new contract has been made during the present year for cannon, except with Wirt & Clark; and, consequently, the estimates under that item are on account of old contracts, and will be necessary to meet the engagements under them. It will also appear that the sum of $70,000, instead of $50,000, will be required for

the arsenal at Augusta. The estimate for the arsenal at Frankfort is to complete the works commenced there.

The appropriations already made, of $200,000 on account of subsistence, and $50,000 for arrearages for holding Indian treaties, will of course be deducted from their respective items in the general appropriation.

There will probably be a balance, under the head of bounties and premiums, of near $30,000; which sum will be applicable to the service of the ensuing year, and may be taken from the sum contained in the estimates.

The appropriations made for the current expenses of the army, for the year 1818, amounted to $3,599,245, which, of course, excludes the disbursements for fortifications and ordnance, which are of a permanent nature. The appropriation asked for the current expenses of the year 1819, excluding the same disbursements, and estimating the expense of subsistence under the new system of supplying the army, for seven months only (viz., from the 1st of June, 1819, until the 1st of January, 1820), amounts to $3,077,789, making a difference of $521,456.

The estimates have been formed on the supposition of our military establishment being full, which, in that case, would consist of 12,656 officers, non-commissioned officers, musicians, and privates.

If further information should be required, it will afford me pleasure to give it.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

Extra Pay to Soldiers on Fatigue Duty. Communicated to the House of Representatives, Jan. 15, 1819.

DEPARTMENT OF WAR, *January 14th*, 1819.

In conformity with the resolutions of the House of Representatives of the 6th and 7th instant, "directing the Secretary of War to report to the House of Representatives the present strength and distribution of the army of the United States, and to subjoin to such report the number and value of the extra days' labor performed by the several detachments thereof, respectively, in the year ending on the 30th day of October last, upon roads or other objects of fatigue duty; together with a statement of such objects, if any there are, of a similar nature, to which it is contemplated to direct the labor of the troops in the current year, distinguishing the sums expended on roads; and, also, to include in the report of the strength of the army called for by the resolution of the 6th instant, the amount in value, if any, of the extra compensation in subsistence, clothing, or pay, allowed the troops for extra labor during the year ending on the 30th of October last, in fatigue duties, distinguishing that which has been bestowed in compensation for labor on roads;" I have the honor to state that the report which I had the honor to lay before the House, the 18th of November last, in compliance with the resolution of the House of Representatives of the 20th of April, 1818, gives the strength and distribution of the army of the United States.

The report of the Third Auditor of the Treasury Department, transmitted herewith, furnishes "the number and value of the extra days' labor performed by the several detachments of the army, in the year ending the 1st day of October, 1818, upon roads and other objects of fatigue du-

ty. In relation to "such objects of a similar nature, to which it is contemplated to direct the labor of the troops in the present year," I have to state, that it is contemplated to employ the soldiers, as far as practicable, upon the road between Plattsburg and Sacketts Harbor, in the State of New York; upon the road from Detroit to Fort Meigs, in the State of Ohio; upon the road from the Muscle Shoal, in Tennessee, to Madisonville, &c.; and upon fortifications and the repairs of barracks, particularly in constructing the barracks at Baton Rouge. No extra subsistence, except whiskey, nor extra articles of clothing, are allowed to soldiers while employed on extra labor; when a greater quantity of clothing than what is allowed by fixed regulations is issued, its value is deducted from the pay of the soldier.

I have the honor to be your most obedient servant,

JOHN C. CALHOUN.

The Speaker of the House of Representatives of the United States.

LETTER

In relation to the Yellow Stone Expedition.

DEPARTMENT OF WAR, *December 29th*, 1819.

SIR,—In reply to your letter of the ——, requesting to be informed of the expenditures which have been, and which are likely to be, incurred in fitting out and prosecuting the expedition ordered to the mouth of the Yellow Stone, on the Missouri River, and of the objects intended to be accomplished by the expedition, I have the honor to make the following statement:—

The inclosed report and estimates from the Quartermaster General, marked Nos. 1, 2, 3, 4, and 5, with a statement of the duty performed, and that which is contemplated,

exhibits the expense of the expedition up the Missouri, for the last, and next succeeding three years, with a similar statement in relation to that on the Mississippi. Though the last is not referred to in your letter, yet, as the two movements constitute a part of the same system of measures, I believed that it would not be unacceptable to the Committee to receive a statement of the whole expenses incurred, or likely to be incurred, in its execution.

The expedition ordered to the mouth of the Yellow Stone, or rather to the Mandan Village (for the military occupation of the former, depending on circumstances, is not yet finally determined on), is a part of a system of measures, which has for its objects, the protection of our north-western frontier, and the extension of our fur trade. It is on that frontier only, that we have much to fear from Indian hostilities. The tribes to the south-west are either so inconsiderable, or surrounded by white population, and, what is not of less importance, so cut off from intercourse with all foreign nations, that there are reasonable grounds to believe that we shall in future be almost wholly exempt from Indian warfare in that quarter. Very different is the condition of those on our north-western border. They are open to the influence of a foreign power, and many of the most warlike and powerful tribes, who, by the extension of our settlements, are becoming our near neighbors, are yet very little acquainted with our power. To guard against their hostility, it has been thought proper to increase our forces on that frontier, from one to three regiments; and to occupy new posts, better calculated to cut off intercourse between the Indians residing in our territory, and foreign traders, or posts; and to garrison them with a force sufficiently strong to overawe the neighboring tribes. With this view, measures have been taken to establish strong posts at the Council Bluff, and the Mandan Village, on the Missouri; at the mouth of the St. Peter's, on the Mississippi; and the Falls of St. Mary's between Lakes

Superior and Huron. The posts at Green Bay, Chicago, Rock Island, and Prairie du Chien, will still be continued. The posts at the mouth of the St. Peter's, and the Council Bluff, have already been occupied; and at the Mandan Village will probably be, the next summer. The position at the Falls of St. Mary's, has been reconnoitered, and it is intended to make preparations the next summer to occupy it. The occupation of these posts with an adequate force will, it is believed, by establishing over the various tribes in that quarter, the influence of our Government, and preventing or diminishing that of others, have the most beneficial effects. The position at the Council Bluff is a very important one, and the post will consequently be rendered strong, and will be occupied by a sufficient garrison. It is about half way between St. Louis and the Mandan Village, and is at that point on the Missouri, which approaches the nearest to the post at the mouth of the St. Peter's, with which, in the event of hostilities, it may co-operate. It is, besides, not more than 180 miles in advance of our settlements on the Missouri, and is in the centre of the most powerful tribes, and the most numerous Indian population, west of the Mississippi. It is believed to be the best position on the Missouri, to cover our flourishing settlements in that quarter, and ought, if it were wholly unconnected with other objects, to be established for that purpose alone.

The position at the Mandan Village has been selected for a military post, on account of the many advantages it is supposed to possess. At that point the Missouri approaches nearest the establishment of the Hudson Bay Company, on the Red River of the Lakes, near the mouth of the Assiniboin; and at the same point it takes a direction to the south, which, in the event of hostilities, would render it more difficult for any force which might be brought against it, from the possessions of our northern neighbors, to interrupt the communication with the posts below. It is, besides, well

situated to protect our traders, and to prevent those of the Hudson Bay Company from extending their trade towards the head waters of the Missouri, and along the Rocky Mountains within our limits, which tract of country is said to abound more in fur, and of a better quality than any other portion of this continent. The post at the mouth of the St. Peter's is at the head of navigation on the Mississippi, and, in addition to its commanding position in relation to the Indians, it possesses great advantages either to protect our trade, or to prevent that of foreigners. The post contemplated at the Falls of St. Mary's, will, it is believed, be of very great importance. The position, as has been stated, has been reconnoitred, and it is found that the communication between the two lakes can be commanded from our side, as the channel passes close under the western shore. This may be established and maintained at very little additional expense. When these posts are all established and occupied, it is believed, with judicious conduct on the part of our officers, that our north-western frontier will be rendered much more secure than heretofore, and that the most valuable fur trade in the world will be thrown into our hands. Trade and presents, accompanied by talks calculated for the purpose, are amongst the most powerful means to control the action of the savages; and so long as they are wielded by a foreign hand, our frontier must ever be subject to the calamity of Indian warfare. By the treaty of 1794 Great Britain obtained the right of trade and intercourse with the Indians residing on our territory; which gave her nearly a monopoly of the trade with the various tribes of the lakes, the Mississippi, the Missouri, and a decided control over all their measures. The effects of this ascendency over them must be remembered, and lamented, so long as the history of the late war shall be perused. The most distressing occurrences, and the greatest disasters of that period, may be distinctly traced to it. This right of trade and intercourse with the Indians,

which has to us proved so pernicious, ended in the war, and was not reserved by the treaty of Ghent; and, in the year of 1816, Congress passed a law, which authorized the President to prohibit foreigners from trading with the Indians residing within our limits, and instructions have been given under the act to prevent such trade; but it is obvious that the act and instructions to Indian agents, can have but little efficacy to remedy the evil. Without a military force properly distributed, the trade would still be continued; and even if it were prevented, that which is more pernicious would still remain—Indian talks at the British posts, accompanied with a profuse distribution of presents.

This intercourse is the great source of danger to our peace; and until that is stopped our frontiers cannot be safe. It is estimated that upwards of three thousand Indians from our side of the lakes visited Malden and Drummond's Island the last year; and that, at the latter place alone, presents were distributed to them to the amount of ninety-five thousand dollars. It is desirable that this intercourse should terminate by the act of the British Government; and it is believed that it has been continued by its agents in Canada, rather in consequence of the practice before the late war under the treaty of 1796, than by the direct sanction and authority of the Government. Its attention has, however, been called to it through the proper department; and, as it is wholly inconsistent with the friendly relation between the two countries, it is hoped that it will not be permitted in future. The occupation of the contemplated posts will, in the mean time, put in our hand the power to correct the evil. The points on the lakes will enable the Government, not only to check effectually all trade with foreigners in that quarter, but also to restrain the Indians from passing our limits. On that side the remedy will be complete.

On the Mississippi and the Missouri, the posts at the St.

Peter's, and the Mandan Village, are well selected for the same purpose. From the Lake of the Woods, westwardly, the 49th parallel of latitude is the boundary established by the late convention between the United States and the British Possessions. The Hudson Bay and the North-west Companies have several posts and trading establishments which are believed to be much to the south of this line, and, consequently, within our territory. When the boundary is ascertained and marked, the policy of the act of April 29th, 1816, already referred to, may, by means of these posts, be effectually enforced; and, in that quarter, as well as on the side of the lakes, we will have the power to exclude foreigners from trade and intercourse with the Indians residing within our limits. The facility of communication, by the Mississippi and Missouri, with our posts on those rivers, is so much greater than that between Hudson's Bay or Montreal (particularly without passing through our territory) and the British posts north of ours, that our ascendency over the Indians of those rivers, both as to trade and power, ought, with judicious measures on our part, to be complete.

I deem it my duty respectfully to suggest to the committee, as it is intimately connected with the subject of the present inquiry, that the present system of Indian trade is defective; and, that besides endangering the peace of our country, it cannot meet, on equal terms, the well-organized trading associations of our northern neighbors. I will, however, forbear from presenting any additional observations on this point, as the report which I had the honor to make to the House of Representatives on the 5th December, 1818, contains my views in relation to it.

The ultimate success of the contemplated measures must necessarily depend very much on the manner in which they are executed. With this impression, great care has been taken to select officers in every way well calculated to effect the objects of Government. Strict orders have also been given

to use every effort to preserve peace with the Indians, and impress them favorably with our character; and it affords me much pleasure to state to the committee that the conduct of Colonel Atkinson (who has received every aid in the Indian Department from Major P. Fallon, the agent) and Colonel Leavenworth,—the former of whom commands the troops on the Missouri, and the latter those on the Mississippi,—as well as that of their officers and men, has been very satisfactory, and fully justified the confidence reposed in them. There is every reason to suppose that, under their judicious conduct, the posts will be established and maintained without exciting the hostility or jealousy of the Indians.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

Hon. A. SMITH, Chairman of the Committee on Military Affairs.

REPORT

On the subject of civilizing the Indians, communicated to the House of Representatives, January 17th, 1820.

DEPARTMENT OF WAR, *Jan. 15th*, 1820.

SIR,—In compliance with a resolution of the House of Representatives of the 6th instant, "that the Secretary of War be directed to report whether any, and, if any, what progress has been made in the civilization of the Indian tribes, and the sums of money, if any, which have been expended on that object, under the act of the last session," I have the honor to make the following statement:—

No part of the appropriation of $10,000 annually, made at the last session, for the civilization of the Indians, has yet been applied. The President was of opinion that the

object of the act would be more certainly effected, by applying the sum appropriated in aid of the efforts of societies, or individuals, who might feel disposed to bestow their time and resources to effect the object contemplated by it; and a circular (of which the inclosed is a copy) was addressed to those individuals and societies who have directed their attention to the civilization of the Indians. The objects of the circular were to obtain information, and disclose the views of the President, in order to concentrate and unite the efforts of individuals and societies, in the mode contemplated by the act of the last session. The information collected will enable the President to apply, early in this year, the sum appropriated. The economy and intelligence with which it will be applied, under the superintendence of zealous and disinterested individuals, will, it is hoped, carry into effect, as far as practicable, the views of Congress.

While many of the Indian tribes have acquired only the vices with which a savage people usually become tainted, by their intercourse with those who are civilized, others appear to be making gradual advances in industry and civilization. Among the latter description may be placed the Cherokees, Choctaws, Chickasaws, and perhaps the Creeks, most of the remnants of the Six Nations in the State of New York, the Wyandots, Senecas, and Shawanees, at Upper Sandusky and Wapaghkonetta. The Cherokees exhibit a more favorable appearance than any other tribe of Indians. There are already established two flourishing schools among them: one at Brainard, under the superintendence of the American Board for Foreign Missions, at which there are at present about 100 youths of both sexes. The institution is on the Lancasterian plan, and is in a very flourishing condition. Besides reading, writing, and arithmetic, the boys are taught agriculture, and the ordinary mechanic arts; and the girls, sewing, knitting, and weaving. At Spring Place, in the same nation, there is a school on a more limited scale, under the

superintendence of the United Brethren, or Moravians. Two other schools are projected, in the same nation; one by the American, and the other by the Baptist Board for Foreign Missions; and arrangements are making to establish two other schools among that portion of the Cherokee nation which reside on the Arkansas. The Choctaws and Chickasaws have recently evinced a strong desire to have schools established among them, and measures have been taken by the American Board for Foreign Missions for that purpose. A part of the former nation have appropriated $2,000 annually, out of their annuity, for seventeen years, as a school fund. A part of the Six Nations in New York, have, of late, made considerable improvements; and the Wyandots, Senecas, and Shawanees, at Upper Sandusky and Wapaghkonetta, have, under the superintendence of the Society of Friends, made considerable advances in civilization.

Although partial advances may be made, under the present system, to civilize the Indians, I am of an opinion that, until there is a radical change in the system, any effort which may be made must fall short of complete success. They must be brought gradually under our authority and laws, or they will insensibly waste away in vice and misery. It is impossible, with their customs, that they should exist as independent communities in the midst of civilized society. They are not, in fact, an independent people (I speak of those surrounded by our population), nor ought they to be so considered. They should be taken under our guardianship; and our opinion, and not theirs, ought to prevail, in measures intended for their civilization and happiness. A system less vigorous may protract, but cannot arrest their fate.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

Hon. H. CLAY, Speaker of the House of Representatives.

CIRCULAR.

DEPARTMENT OF WAR, *September 3d*, 1819.

SIR,—In order to render the sum of $10,000, annually appropriated at the last session of Congress for the civilization of the Indians, as extensively beneficial as possible, the President is of opinion that it ought to be applied in co-operation with the exertions of benevolent associations, or individuals, who may choose to devote their time or means to effect the object contemplated by the act of Congress. But it will be indispensable, in order to apply any portion of the sum appropriated in the manner proposed, that the plan of education, in addition to reading, writing, and arithmetic, should, in the instruction of the boys, extend to the practical knowledge of the mode of agriculture, and of such of the mechanic arts as are suited to the condition of the Indians; and in that of the girls, to spinning, weaving, and sewing. It is also indispensable that the establishment should be fixed within the limits of those Indian nations who border on our settlements. Such associations or individuals who are already actually engaged in educating the Indians, and who may desire the co-operation of the Government, will report to the Department of War, to be laid before the President, the location of the institutions under their superintendence, their funds, the number and kind of teachers, the number of youths of both sexes, the objects which are actually embraced in their plan of education, and the extent of the aid which they require; and such institutions as are formed, but have not gone into actual operation, will report the extent of their funds, the places at which they intend to make their establishments, the whole number of youths of both sexes which they intend to educate, the number and kind of teachers to be employed, the plan of education adopted, and the extent of the aid required.

This information will be necessary to enable the President to determine whether the appropriation of Congress ought to be applied in co-operation with the institutions which may request it, and to make a just distribution of the sum appropriated.

In proportion to the means of the Government, co-operation will be extended to such institutions as may be approved, as well in erecting necessary buildings, as in their current expenses.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

REPORT

On the Military Academy at West Point, communicated to the House of Representatives, February 25th, 1820.

DEPARTMENT OF WAR, *February 23d*, 1820.

SIR,—In compliance with the resolution of the House of Representatives of the 26th of February, 1819, "that the Secretary of War be instructed to report to the House, at an early period of the next session of Congress, a copy of such rules and regulations as shall have been adopted for the government of the Military Academy, together with a list of the cadets who were attached to the academy on the 1st of January, 1815, and of such as shall have been appointed between the said 1st of January and the 30th of September, 1819, exhibiting the date of their several appointments, with the States and Territories from whence they came; a list of such as shall have resigned or have been dismissed, and at what period; also, a list of such as shall have been commissioned in the army, with the date of their commissions, and of such as shall have

resigned, with the date of their resignation; also, that the Secretary be instructed to report, as aforesaid, whether any, and, if any, what, legislative provisions are necessary for the more convenient organization and government of the said academy, the better to insure a strict obedience to all proper orders, and a suitable respect to the rights of those whose duty it may be to yield obedience;" I have the honor to transmit a report from the Engineer Department, marked A, which contains the rules and regulations for the government of the academy, and a list of cadets, as required.

In reply to so much of the resolution as relates to the better organization and government of the Military Academy, I would respectfully submit a copy of a report from the academic staff to this department, marked B; and a copy of a report of the superintendent of the Military Academy, containing propositions for its new organization, marked C; with a copy of a report of General Bernard, and Colonel McRae, containing remarks on the plan proposed by the superintendent, marked D. The improvements of which the Military Academy is thought to be susceptible, are so fully discussed in these reports, as to render unnecessary many additional observations; and the few which I propose to make will be principally confined to the propositions to separate the academy from the corps of engineers, to increase the number of professors and assistants, and to equalize the compensation of the former.

The Military Academy has acquired a character and importance which seem not to have been contemplated in its original institution. It originated in the act of the 16th of March, 1802, which created the corps of engineers. By that act the President was authorized to establish a corps of engineers, to consist of one principal engineer of the rank of major, with six assistant engineers of the rank of captains and lieutenants, to which were added ten cadets; and the act directed that the corps thus organized should be stationed

at West Point, and should constitute a Military Academy. The principal engineer, and in his absence the next in rank, was made superintendent of the academy; and the Secretary of War was authorized to purchase such books, implements, and apparatus, as should be necessary for the use of the institution. In the next year, by the act of the 3d of February, 1803, the President was authorized to attach to the engineers two teachers, one of the French language and the other of drawing. The institution remained without any change in its character until 1808, when, by the act of the 12th of April of that year, authorizing the raising of an additional military force, two cadets were attached to each company of infantry, riflemen, and artillery, authorized to be raised under it; making, in the whole, with the ten cadets originally attached to the corps of engineers, one hundred and fifty cadets. The institution was further enlarged, and changed in its character, by the act of the 25th of April, 1812. Three professors were then added; one of natural and experimental philosophy, another of mathematics, and the other the art of engineering in all its branches, with an assistant to each professor; and the cadets, including those that were authorized to be appointed in 1818, were increased to two hundred and fifty, without being attached to any particular corps. The act also provides that the cadets, after passing through the respective classes, should receive regular degrees from the academic staff, and should be promoted into any corps, according to the duties they may be deemed competent to perform. The academy was thus increased from ten cadets to two hundred and fifty; and, instead of being constituted wholly of corps of engineers, as at its original institution, and being intended to educate officers exclusively for that corps, it now comprehends within its scheme of education officer of every arm of the service. Under its present organization it is, in fact, as intimately connected with one corps of the army as another; yet the provision of the act of the 16th of

duty of assistants. The objections against the employment of cadets for that purpose contained in the report of the academic staff, are deemed satisfactory.

I entirely concur in the opinion of the superintendent of the academy, that the pay of the professors ought to be equalized, and that the compensation of the other professors ought to be made equal to that of natural and experimental philosophy, who receive the pay and emoluments of a lieutenant-colonel. Neither the difference in the duties of the professors, nor the difference in the capacity to perform those duties, is so considerable as to justify the present difference in their pay; and less compensation than that proposed, it is believed, will not always command suitable talent. The compensation proposed in the report of the superintendent, for the teachers and assistant professors, appears to be just and proportionate to that of the professors. The pay of the superintendent of the academy, depends at present on his commission and rank; and as the most suitable officer for the post may hold an inferior rank, and as his duty and expenses as superintendent are the same, let his rank be what it may, it is conceived that it would be proper to allow the superintendent the pay and emoluments of a colonel, provided his rank does not give him a greater compensation. The present superintendent, who has performed his duties with zeal and ability, receives only the pay and emoluments of a major of engineers; and it is known that his compensation is inadequate to meet the expenses to which he is subjected, as superintendent, in a place so frequented by strangers as West Point. The additional number of professors and assistants, and the change in the compensation which has been proposed, will add something to the expenses of the institution; but the great improvement which it will make will much more than compensate the public. The pay of superintendent and professors constitutes but a small portion of the expense of the academy. The pay and subsistence of

the cadets, the cost of buildings, fuel, stationery, books, &c., constitute the body of the expenses; yet it is manifest that these, without a suitable number of able and experienced professors, are of no avail. The annual expenses will be but little affected, whether the number and pay of the professors are adequate or inadequate; but the prosperity of the institution must necessarily depend almost wholly on their number and ability. Without a sufficient number of professors, every branch of knowledge necessary to perfect an officer to discharge his duties cannot be taught, and without a sufficient compensation, adequate talents, and experience to teach that well, which may be directed to be taught, cannot be commanded. A just degree of liberality in the compensation of the superintendent, professors, and teachers, is thus necessarily connected with true economy, by rendering the other and most heavy expenses of the institution in the highest degree effective.

It will not be necessary to appoint an additional quartermaster as paymaster, as recommended in the report of the superintendent, as one of the assistant deputy-quartermasters has been assigned to West Point, and no great inconvenience is experienced in making payment to the officers and cadets belonging to the institution under the present law.

The change of the age for admission, from fourteen to twenty-one, the periods now fixed by law, to that proposed in the report of the superintendent, namely, from sixteen to twenty-one, would, for the reason assigned, be proper; and the other change proposed, with the alterations contained in the remarks of General Bernard and Colonel McRae, appears judicious, and would doubtless improve the condition of the academy. Many of them may however be made, perhaps advantageously, the subject of regulation rather than law. In addition to the alterations in the organization of the Military Academy proposed in the documents which accompany this report, I am of opinion that the rules and ar-

ticles of war are not suitable to the institution, and that a system ought to be formed for its government. Whether the cadets are, under the existing laws, subject to the rules and articles of war, appears in some degree doubtful. The court-martial in the case of Ragland, Fairfax, Holmes, Vining, and Loring, determined that they were not; and, although the Attorney-General dissented from that opinion, yet the court, on its being re-assembled to reconsider its opinion, adhered to its original decision, notwithstanding the opinion of the Attorney-General. The interposition of Congress to settle a point of so much importance would seem to be necessary. The duties and rights of the superintendent, professors, and cadets, ought to be rigidly defined, or collisions of the most dangerous character to the institution must occur. But should Congress remove the present doubt, by subjecting the professors and cadets expressly to the rules and articles of war, it is believed that much uncertainty would still exist as to their respective duties and rights. Many of the provisions contained in the rules and articles of war appear not to be applicable to the Military Academy; and of these, which of themselves appear to be so, it might be doubtful, under the rigid construction which an act so highly penal as that which contains the rules and articles of war ought to receive, whether, as the professors and cadets are not named in any of the provisions, and as most of them expressly refer to officers or soldiers, they could be so construed as to comprehend the former. Besides this uncertainty, other objections of a weightier character exist against extending the rules and articles of war to the professors and cadets. Many of the provisions, which a system for the government of the institution ought to contain, are entirely omitted; and the punishments, both as to kind and degree, which are necessary for the government of the army, are not required for that of the Military Academy. To remove these objections, I would respectfully suggest that the President be requested to pre-

pare a suitable system for the government of the Military Academy, to be laid before Congress at their next session for their approval.

I cannot refrain from observing, on a subject of so much importance as the education of those who may be charged with the defence of the country, and on whose skill and fidelity our honor and security must so much depend, that, whatever degree of perfection may be given to the Military Academy at West Point, as an elementary school, yet our military education, in the higher branches of the art of war, must remain imperfect, without a school of application and practice. The education at the Military Academy will be full and complete for officers of infantry; but those who may be promoted into the artillery and the corps of engineers, ought to have the means, in a school of application and practice, to complete their theoretical knowledge in the higher branches of the science connected with their profession, and to apply the knowledge acquired to practice. It ought never to be forgotten that the military science, in the present condition of the world, cannot be neglected with impunity. It has become so complicated and extensive as to require for its acquisition extensive means, and much time to be exclusively devoted to it. It can only flourish under the patronage of the Government, and without such patronage it must be almost wholly neglected. A comparatively small sum expended, in time of peace, to foster and extend the knowledge of military science, will, in the event of war, be highly beneficial to the country, and may prove the means of its safety. A school of practice and application, with the exception of the cost of the necessary buildings, would be attended with but a small expense; and, with such an institution, officers would be trained who would be masters of every branch of knowledge connected with their profession, and who, by their science, would be not only highly useful, but an ornament to their country. Without pursuing the subject any further,

I would respectfully refer the House to a report on this interesting subject made in obedience to its order, on the 15th of January, 1819.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

Hon. H. CLAY, Speaker of the House of Representatives.

REPORT

On the Reduction of the Army, communicated to the House of Representatives, December 12th, 1820.

SIR,—In obedience to a resolution of the House of Representatives of the 11th of May last, "directing that the Secretary of War report to this House, at the commencement of the next session, a plan for the reduction of the army to six thousand non-commissioned officers, musicians, and privates, and preserving such parts of the corps of engineers, as, in his opinion, without regard to that number, it may be for the public interest to retain; and, also, what saving of the public revenue will be produced by such an arrangement of the army as he may propose in conformity with this resolution;" I have the honor to make the following report:—

I deem it proper, before a plan is presented in detail for reducing the army, as proposed in the resolution, to state briefly the general principles on which it is conceived our military peace establishment ought to be organized. It will be readily admitted, that the organization of the army ought to have reference to the objects for which it is maintained, and ought to be such as may be best calculated to effect such objects; as it must be obvious, on the slightest reflection, that on considerations connected therewith ought to

depend, not only its members, but also the principles on which it ought to be formed.

The necessity of a standing army in peace is not believed to be involved in the subject under consideration, as the resolution presupposes the propriety of maintaining one, and in fact, its necessity is so apparent, that, even those least favorable to the army have never attempted to abolish it, or even to reduce it, since the late war, much below the number proposed in the resolution. The objects for which a standing army in time of peace ought to be maintained may be comprised under two classes: those which, though they have reference to a state of war, yet are more immediately connected with its duties in peace; and those which relate immediately and solely to war. Under the first class may be enumerated, as the leading objects, the garrisoning of the forts along our Atlantic frontier in order to preserve them, and to cause the sovereignty of the United States to be respected in their immediate neighborhood, and the occupying of certain commanding posts on our inland frontier, to keep in check our savage neighbors, and to protect our newly formed and feeble settlements in that quarter. These are, doubtless, important objects; but are by no means so essential as those which relate immediately and solely to a state of war; and, though not to be neglected wholly, ought not to have any decided influence in the organization of our peace establishment. Without, therefore, making any further remark on this point of the inquiry, I will proceed to consider the other class, on which, as it comprises the great and leading inducement to maintain in this country a regular army in peace, the prominent features of its organization ought to depend.

However remote our situation from the great powers of the world, and however pacific our policy, we are, notwithstanding, liable to be involved in war; and, to resist, with success, its calamities and dangers, a standing army in peace,

in the present improved state of the military science, is an indispensable preparation. The opposite opinion cannot be adopted, without putting to hazard the independence and safety of the country. I am aware that the militia is considered, and in many respects justly, as the great national force ; but, to render them effective, every experienced officer must acknowledge, that they require the aid of regular troops. Supported by a suitable corps of trained artillerists, and by a small but well-disciplined body of infantry, they may be safely relied on to garrison our forts, and to act in field as light troops. In these services, their zeal, courage, and habit of using fire-arms, would be of great importance, and would have their full effect. To rely on them beyond this, to suppose our militia capable of meeting in the open field the regular troops of Europe, would be to resist the most obvious truth, and the whole of our experience as a nation. War is an art, to attain perfection in which, much time and experience, particularly for the officers, are necessary. It is true, that men of great military genius occasionally appear, who, though without experience, may, when an army is already organized and disciplined, lead it to victory ; yet I know of no instance, under circumstances nearly equal, in which the greatest talents have been able, with irregular and undisciplined troops, to meet with success those regularly trained. Genius, without much experience, may command, but it cannot go much further. It cannot at once organize or discipline an army, and give it that military tone and habit which only, in the midst of imminent danger, can enable it to perform the most complex evolutions with precision and promptitude. Those qualities which essentially distinguish an army from an equal assemblage of untrained individuals, can only be acquired by the instruction of experienced officers. If they, particularly the company and regimental officers, are inexperienced, the army must remain undisciplined ; in which case, the genius, and even experience

of the commander, will be of little avail. The great and leading objects, then, of a military establishment in peace, ought to be to create and perpetuate military skill and experience; so that, at all times, the country may have at its command a body of officers, sufficiently numerous, and well instructed in every branch of duty, both of the line and staff; and the organization of the army ought to be such as to enable the Government, at the commencement of hostilities, to obtain a regular force, adequate to the emergencies of the country, properly organized and prepared for actual service. It is thus only that we can be in the condition to meet the first shocks of hostilities with unyielding firmness, and to press on an enemy, while our resources are yet unexhausted. But if, on the other hand, disregarding the sound dictates of reason and experience, we should in peace neglect our military establishment, we must, with a powerful and skilful enemy, be exposed to the most distressing calamities. Not all the zeal, courage, and patriotism of our militia, unsupported by regularly trained and disciplined troops, can avert them. Without such troops, the two or three first campaigns would be worse than lost. The honor of our arms would be tarnished, and the resources of the country uselessly lavished; for, in proportion to the want of efficiency, and a proper organization, must, in actual service, be our military expenditures. When taught by sad experience, we would be compelled to make redoubled efforts, with exhausted means, to regain those very advantages which were lost for the want of experience and skill. In addition to the immense expenditure which would then be necessary, exceeding manifold what would have been sufficient to put our peace establishment on a respectable footing, a crisis would be thus brought on of the most dangerous character. If our liberty should ever be endangered by the military power gaining the ascendency, it will be from the necessity of making those mighty and irregular efforts to retrieve our affairs, after a

series of disasters, caused by the want of adequate military knowledge; just as, in our physical system, a state of the most dangerous excitement and paroxysm follows that of greatest debility and prostration. To avoid these dangerous consequences, and to prepare the country to meet a state of war, particularly at its commencement, with honor and safety, much must depend on the organization of our military peace establishment; and I have, accordingly, in a plan about to be proposed for the reduction of the army, directed my attention mainly to that point, believing it to be of the greatest importance.

To give such an organization, the leading principles in its formation ought to be, that, at the commencement of hostilities, there should be nothing either to new model or to create. The only difference, consequently, between the peace and the war formation of the army, ought to be in the increased magnitude of the latter; and the only change in passing from the former to the latter, should consist in giving to it the augmentation which will then be necessary.

It is thus, and thus only, the dangerous transition from peace to war may be made without confusion or disorder; and the weakness and danger, which otherwise would be inevitable, be avoided. Two consequences result from this principle. First, the organization of the staff in a peace establishment ought to be such, that every branch of it should be completely formed, with such extension as the number of troops and posts occupied may render necessary; and, secondly, that the organization of the line ought, so far as practicable, to be such that, in passing from the peace to the war formation, the force may be sufficiently augmented, without adding new regiments or battalions; thus raising the war on the basis of the peace establishment, instead of creating a new army to be added to the old, as at the commencement of the late war. The next principle to be observed is, that the organization ought to be such as to in-

duce, in time of peace, citizens of adequate talents and respectability of character to enter and remain in the military service of the country, so that the Government may have officers at its command, who, to the requisite experience, would add the public confidence. The correctness of this principle can hardly be doubted, for, surely, if it is worth having an army at all, it is worth having it well commanded.

These are the general principles upon which I propose to form the organization of the army, as proposed to be reduced under the resolution. By reference to Tables A and B, which contain the proposed and present organization, it will be seen that the principal difference between them is in the reduction of the rank and file. The present organization of the staff, with its branches, is retained, with slight alterations. The principal changes in it are in that of the Commissary-General of Purchases and the Judge Advocates, by which it is intended that they should conform more exactly to the principles on which the other branches are now formed. It is believed that the true principle of its organization is, that every distinct branch of the staff should terminate in a chief, to be stationed, at least in peace, near the seat of Government, and to be made responsible for its condition. It is thus that the Government may at all times obtain correct knowledge of the condition of the army in every particular, and be enabled to introduce method, order, and economy in its disbursements. It is, at present, with slight exceptions, thus organized, and the beneficial effects of it have already been strikingly exemplified by experience. Since the passage of the act of the 14th of April, 1818, which gave the present organization to the staff, the expense of the army has been greatly reduced, while, at the same time, the various articles supplied have been improved in quality, and the punctuality with which they have been issued; and while the movements of the army have, at least for the present, been rendered more expensive, by occupying

the distant frontier posts at the mouth of the St. Peter's and at the Council Bluffs. By a statement from the Adjutant and Inspector General, and the books of the second Auditor, marked C, containing the army disbursements from 1818 to 1820 inclusive, it appears that the expense of the army in 1818, the year in which the present organization commenced, amounted to $3,448,445 01, while the amount of warrants issued for current disbursements to the first of November this year, has amounted only to $2,616,526 11, and the disbursements of the whole year will probably not exceed $2,700,000. In the year 1818, the aggregate average number of military establishments, including the cadets, amounted to eight thousand one hundred and ninety-nine, and that of this year to nine thousand six hundred and eleven. It is admitted that, during the same period, a considerable reduction has taken place in many of the articles which constitute the supplies of the army, the effect of which has been to reduce its expense ; but, on examination, it will appear that the diminution on this account is much less than what, on the first impression, might be supposed. Many of the more considerable items which constitute the expenses of the army are fixed by law, and do not fluctuate with the change of prices, such as the pay of the officers and men, the subsistence of the former, and the allowance to them for servants, forage, transportation of baggage, &c. All of the items estimated for by the Paymaster-General, excepting clothing for servants, which is of small amount, partake of this character ; to which, if we add those of the Quartermaster-General's estimate, which, although the price of some of them have, in the period under consideration, been reduced, yet that has been at least balanced in the increased expenditures of that department for the two last years, by the extension and increased number of the military posts ; it will result, that the reduction in the expense of the army by the diminution of prices is substantially confined to the clothing,

medical, and subsistence departments. Some pains have been taken to ascertain this diminution in the various articles supplied by them, and it has resulted in the belief, that the average of those supplied by the clothing and medical departments were, in the year 1818, about seven per cent. higher than in this, and in the subsistence about forty per cent. With this data, it is ascertained (see Table D), that the expense of the army this year, had no diminution in price since 1818 taken place, would have amounted, deducting for the average number of the two years and allowing for the expenditures of the Seminole war in 1818, to about $2,791,038 55. This sum deducted from $3,748,445 01, the expense of the army in 1818, and gives for the actual saving, after allowing for the diminution of prices, the sum of $957,356 46 (see Table D), which has been effected through the organization of the present staff, by enabling the Department to superintend, in its minute details, as well the various disbursements of the army, as the measures taken to prevent the waste of public property. The amount of saving may appear to be very great, but it is confidently believed that it cannot be materially reduced by any just mode of calculation of which the subject is susceptible.

As great as this result is, it is only in war that the benefits of a proper organization of the staff can be fully realized. With a complete organization, and experienced officers, trained in peace to an exact and punctual discharge of their duty, the saving in war (not to insist on an increased energy and success in our military movements) would be of incalculable advantage to the country. The number of deputies and assistants in each branch ought to be regulated by the exigency of the service, and this must obviously depend more on the number of posts than on the number of troops ; and as no material change can, consistently with the public interest, be made as to the posts under the proposed reduction,

little diminution can be made in the number of subordinate officers belonging to the staff.

It is also proposed to retain the two majors and four brigadier-generals. Although it is not probable that there will be concentrated, in time of peace, at any one point, the force equal to the command of a single major or even of a brigadier-general, yet it is conceived that it is important to the service that they should be retained. As two regiments, with a proper proportion of artillery and light troops, constitute in our service one brigade, and two brigades a division, the command of a major-general, the number of regiments and battalions under the proposed organization, thus gives a command equal to that of two majors and four brigadier-generals. But a more weighty, and, in my opinion, decisive reason why they should be retained, may be found in the principle already stated, that the organization of the peace establishment ought to be such as to induce people of talent and respectability to enter and continue in the military service. To give to the officers of the army the necessary skill and acquirements, the military academy is an invaluable part of our establishment; but that alone will be inadequate. For this purpose respectability of rank and compensation must be given to the officers of the army, in due proportion to the other pursuits of life. Every prudent individual, in selecting his course of life, must be governed, making some allowance for the natural disposition, essentially by the reward which attends the various pursuits open to him. Under our free institutions, every one is left free to make his selection; and most of the pursuits of life, followed with industry and skill, lead to opulence and respectability. The profession of arms, in the well-established state of things which exist among us, has no reward but what is attached to it by law; and if that should be inferior to other professions, it would be idle to suppose individuals possessed of the necessary talents and character would be

induced to enter it. A mere sense of duty ought not and cannot be safely relied on. It supposes that individuals would be actuated by a stronger sense of duty towards the Government than the latter towards them.

If we may judge from experience, it seems that the army, even with these important commands, which, from their rank and compensation, must operate strongly on those who have a military inclination, does not present inducements to remain in it stronger than, nor even as strong as, those of most of the other respectable pursuits of life.

The number of resignations has been very great, of which many are among the most valuable officers. Should the number of generals be reduced, the motive for entering or continuing in the service must also be greatly reduced; for, like the high prizes in a lottery, though they can be obtained by a few only, yet they operate on all those who adventure; so the important stations which they occupy are, with those best qualified to serve their country, the principal motives to enter or remain in the army. To retain them is, in fact, the cheapest mode of commanding such talents; for, to pursue the metaphor, if the high prizes were distributed among all the tickets, there would be but few adventurers; so, if the compensation attached to the general officers were distributed proportionally among the other officers, the inducement which the army now holds out for a military profession to individuals of a suitable character, would be almost wholly lost. If the generals were reduced to one major and two brigadiers, the saving would not exceed $14,432 annually, which, distributed among the officers in proportion to their pay, would give a lieutenant but $25 59 additional pay, and to a captain $30 87 annually, a sum too inconsiderable to have much effect.

I will proceed next to make a few remarks on that portion of the organization which proposes to reduce the rank and file, without a correspondent reduction of the battalions

and regiments. By a reference to the table A, it will be seen that it is proposed to add the rifle regiment to those of the infantry, and unite the ordnance and the light and heavy artillery into one corps of artillery, which, when thus blended, to form nine regiments of infantry and five battalions of artillery, from the latter of which the corps of ordnance is to be taken, to consist of one colonel and lieutenant-colonel, two majors and seven captains, and as many lieutenants as the President may judge necessary. This organization will require all the officers of the line of the present army to be retained. The reasons for the union of the corps, as well as the other details, will be found explained in the proper place in the annexed tables.

No position connected with the organization of the peace establishment is susceptible of being more rigidly proved, than that the proportion of its officers to the rank and file ought to be greater than in a war establishment. It results immediately from a position, the truth of which cannot be fairly doubted, and which I have attempted to illustrate in the preliminary remarks, that the leading object in a regular army in time of peace ought to be, to enable the country to meet with honor and safety, particularly at the commencement of war, the dangers incident to that state; to effect this object, as far as practicable, the peace organization ought, as has been shown, to be such, that in passing to a state of war, there should be nothing either to new model or to create; and that the difference between that and the war organization, ought to be simply in the greater magnitude of the latter. The application of this principle has governed in that portion of the formation of the proposed military establishment now under consideration. The companies, both of artillery and infantry, are proposed to be reduced to their minimum peace formation,—the former to consist of sixty-four privates and non-commissioned officers, and the latter of thirty-seven; which will give the aggregate of both corps

thus formed, six thousand three hundred and sixteen non-commissioned officers, musicians and privates. Without adding an additional officer, or a single company, they may be augmented, should a just precaution growing out of our foreign relations render it necessary, to eleven thousand five hundred and fifty-eight; and, pending hostilities, by adding two hundred and eighty-eight officers, the two corps, on the maximum of the war formation, may be raised to the respectable force of four thousand five hundred and forty-five of the artillery, and fourteen thousand four hundred and ninety of the infantry;—making, in the aggregate, nineteen thousand and thirty-five officers, non-commissioned officers and privates (see Table E). The war organization, thus raised on the basis of the peace establishment, will bring into effective operation the whole of the experience and skill of the latter, which, with attention, would, in a short period, be communicated to the new recruits, and the officers recently appointed, so as to constitute a well-disciplined force. Should the organization of full companies, on the contrary, be adopted for the peace establishment, this process could be carried to a very limited extent. Six thousand men, so organized, can be augmented on the full war establishment only to nine thousand one hundred and fifteen, by doubling the battalions (see Table E). Any additional force, beyond that, must be obtained by adding new regiments and battalions, with all the disadvantages of inexperience in the officers and men, without the means of immediate instruction. This was the fatal error at the commencement of the late war, which cost the country so much treasure and blood. The peace establishment which preceded it, was very imperfectly organized, and did not admit of the necessary augmentation, nor did the Government avail itself of even its limited capacity in that respect. The forces raised were organized into new corps, in which, consequently, every branch of military duty was to be learned by the officers as well as

men. But with all their disadvantages, the experience and discipline of the old establishment were of immense use, and have not been duly appreciated. The officers belonging to it gradually diffused their military knowledge through the army, and contributed much to the brilliant results of the campaign of 1814. For the truth of this assertion, I might, with confidence, appeal to those officers who then acquired so much glory for themselves and their country.

Another reason remains to be urged, why, in the peace establishment, the number of officers ought to be great, compared with the actual force. At the commencement of war, an adequate number of experienced officers is of greater importance than that of disciplined troops, even were it possible to have the latter without the former; for it is not difficult to form, in a short time, well-disciplined troops by experienced officers,—but the reverse is impossible. The qualifications of the officers are essentially superior to those of the soldiers, and are more difficult to be acquired. The progress of military science has not added much to the difficulty of performing the duty of the soldier or of training him, but it has greatly to that of the officer. No government can, in the present improved state of military service, neglect with impunity to instruct a sufficient number of its citizens in a science indispensable to its independence and safety,—and to perfect which instruction, it is necessary that some portion of them (the number to be regulated by the resources of the country, and its relations with other governments) should make arms their profession.

Table F exhibits the estimate of the saving which will be made by the proposed organization.

I have thus presented an organization which I deem the most effective, and which, in future exigencies of the country, may be of the utmost importance. A different one, requiring, for the present, an expenditure somewhat less than that proposed, might, in some respects, be more agreeable at

this moment; but, believing that nothing in our situation, or in our relation with other Powers,—however pacific at this time, can give a certain assurance of uninterrupted peace,—a state which may exist in the imagination of the poet, but which no nation has yet had the good fortune to enjoy,—I have deemed it my duty to present that organization which will most effectually protect the country against the calamities and dangers of any future contest in which it may be our misfortune to be involved. Economy is certainly a very high political virtue,—intimately connected with the power and the public virtue of the community. In military operations,—which, under the best management, are so expensive, it is of the utmost importance; but, by no propriety of language, can that arrangement be called economical, which, in order that our military establishment in peace should be rather less expensive, would, regardless of the purposes for which it ought to be maintained, render it unfit to meet the dangers incident to a state of war.

With a single observation, which was omitted in its proper place, I will conclude my remarks. The plan proposed for the reduction of the army gives six thousand three hundred and sixteen non-commissioned officers, musicians and privates, instead of six thousand,—the number fixed in the resolution. It was found difficult to form an organization on proper principles, which would give that precise number; and as the difference was not deemed very material, I have ventured to deviate, to that extent, from the terms of the resolution.

J. C. CALHOUN.

The Hon. JOHN W. TAYLOR, Speaker of the House of Representatives.

REPORT

On the Expenditures for the Indian Department for 1820 and 1821, communicated to the House of Representatives, January 16th, 1822.

DEPARTMENT OF WAR, *January 15th*, 1822.

SIR,—The Secretary of War, to whom was referred the resolution of the House of Representatives of the 10th instant, "directing that the Secretary of War communicate to that House a statement (so far as the same may be in his power to make) of the items of all expenditures made, and expenses incurred, in the Indian Department, during the years 1820 and 1821, together with abstracts of the estimates furnished for said years by the Indian agents, upon which funds have been advanced, or expenses incurred; and, also, a statement of the several amounts to which their respective expenditures were limited by the instructions of said Secretary;" has the honor to inclose, herewith, a statement of the Second Auditor, marked A, showing "the expenditures made, and expenses incurred, in the Indian Department, for the years 1820 and 1821," as far as the actual expenditures can be ascertained from the vouchers received; statement marked B, containing "abstracts of the estimates furnished for said years by the Indian agents, upon which funds were advanced, or expenses incurred;" and document marked C, containing a circular for the 19th of March, 1821, to the superintendents and agents, by which will be seen "the several amounts to which their respective expenditures were limited," together with an estimate of the arrearages of the Indian Department at the termination of the last year, and the general regulations which have been adopted to control the expenditures of that Department.

The estimates on which advances were made are neces-

sarily imperfect for the year 1820, as the regulation changing the mode of making advances to agents and superintendents was adopted on the 19th February of that year. Before that period, the disbursements of the Indian Department were made without estimates, principally on drafts, drawn on this Department by the agents and superintendents, care being taken in accepting the drafts not to exceed the sum allotted to each, without satisfactory explanation. This mode of covering the disbursements of the Indian Department was, however, found to be defective, as it gave no previous check over the disbursements, and exposed the Government to fraud in disposing of drafts on it, by the agents, without accounting for the premium which they might obtain. It is not, however, known that any fraud of the kind has been committed; but it was a strong objection to the mode of making disbursements, that it was liable to abuse. Under the system adopted, if rigidly enforced, the possibility of such frauds is excluded.

Believing it to be within the intention of the resolution, I have annexed to the copy of the circular to the superintendents and agents of the 19th March last, which contains the amount to which their respective expenditures were limited, copies of various other circulars which had been at different times adopted, in order to introduce economy and accountability, and thereby diminish the expenditure of the Indian Department. In addition to these, special instructions, applicable to the peculiar state of each agency, have, with the same view, at various times, been given to the different agents. On account of its amount, and liability to abuse, the expenditure which particularly claimed the attention of this Department was that on account of rations issued to Indians. Not long after the commencement of the present administration of this Department, the circulars in relation to issuing rations (copies of which accompany this Report), were issued to the agents and superintendents. It is believed that the

regulations which they contain, have had a very happy effect in preventing impositions on the Government, and in diminishing the disbursements of the Indian Department.

By referring to the accompanying documents, it will appear that the aggregate amount allotted to the agents and superintendents, under the circular of March last, is $79,500, leaving $20,500 to meet such general charges against the appropriation as belonged to no particular agency, such as the debits which might be brought against it in the settlement of former accounts of expenditures for the expenses of rations issued to the Indians through the commissary of provisions, of visits of Indians to the seat of Government, general expense under the Indian Intercourse Act of 1802, transportation of annuities, &c. The sum allotted to these various objects has proved insufficient. Even with the addition of the balance of the appropriation of the last year, it has not been sufficient to meet the debits arising from the settlement of old accounts. It was believed, when the estimates of the last year were made, that the balance of the appropriation of the preceding year, with such credits as might be brought to the Indian appropriation from the settlement of old accounts, would be sufficient to cover the debits. Such, however, has not proved to be the fact, as will appear by reference to the statement of the Second Auditor of the Treasury, which accompanies this Report. It is proper to remark, that the debits which have been brought against the Indian appropriation in the last and preceding years, have arisen principally out of the settlement of the accounts of army contractors, under contracts made before the establishment of the present system of supplying the army with provisions, which commenced on the 1st of June, 1819. The amount of rations issued to Indians could not, under the old system, be ascertained till the contractor rendered his accounts for settlement, on which the provisions issued to Indians were charged to the proper appropriation; and the appropriation for the Indian Depart-

ment for the year was thus liable to be affected by the disbursements of former years. As the accounts of the former army contractors have been all audited, and as the prompt settlement of accounts under the present system of supplying the army with provisions prevents the accumulation of outstanding claims, it is believed that the appropriations for the Indian Department will not hereafter be affected materially by the settlement of outstanding accounts; but as balances remain due the United States, in several cases, on account of subsistence, for the recovery of which suits have been instituted against the contractors, it may occur that awards may be made in their favor on items chargeable to the Indian Department, which, on settlement by the accounting officers, have been decided to be inadmissible. In such cases, the appropriation for the Indian Department will be charged, and the subsistence credited with the amount.

In conclusion, it may not be improper to state, that, although $200,000 has been the amount of the annual current appropriations for the Indian Department, from the termination of the late war till last year, yet the disbursements considerably exceeded that sum previous to the year 1820; the difference being made up from time to time by appropriations for arrearages. The acting Secretary of War, Mr. Graham, estimated the disbursements of the Indian Department at $250,000, in the year 1817. In his letter to the Chairman of the Committee of Ways and Means of the 4th of January, of that year, he states: "The expenses of the Indian Department have been estimated at $200,000; it is, however, recommended that this estimate should be increased, so as to make a permanent annual appropriation for this object of $250,000, at least. The circumscribed limits of most of the Indian tribes east of the Mississippi and Illinois Rivers, having rendered their dependence upon the chase for subsistence more precarious, has produced a more frequent intercourse between the Indians and those agents of the United

States, and a consequent increase of the issue of rations and of presents to them." In addition to these causes, the number and importance of the treaties which have been held with the Indians since the late war, the great increase of the annuities, and extension of the frontier, have tended very much to increase the disbursements of the Indian Department. Believing it, however, to be the intention of Congress that the expenditure should not exceed $200,000 per annum, efficient measures were adopted, shortly after the commencement of the present administration of this Department, to reduce the amount of the expenditure within that sum.

Acting on the same principle, after the reduction of the appropriation of the last session to $100,000 for the expenses of the Department, every effort was made to reduce the disbursements within the amount appropriated, which could be made without deranging the system established under existing laws. The consequence has been a very considerable reduction in the disbursements; but it has not been practicable to bring the expenditure within the appropriation. Though measures were taken immediately after the passage of the act making the appropriation, yet at points so remote as those at which most of the agencies are fixed, nearly one half of the year had elapsed before any considerable diminution could be effected in the rate of expenditure authorized by previous appropriations, by which time (the previous expenditure being at the rate of $200,000 per annum) the appropriation was nearly exhausted, and the expenses of the Department have been accumulating against the Government, without the means of meeting them.

All of which is respectfully submitted.

J. C. CALHOUN.

Hon. PHILIP P. BARBOUR, Speaker of the House of Representatives.

REPORT

On the Expenditures for the civilization of the Indians, communicated to the House of Representatives January 22d, 1822.

DEPARTMENT OF WAR, *January 19th*, 1822.

The Secretary of War, to whom was referred the resolution of the House of Representatives of the 31st ultimo, "requesting the President of the United States to cause to be laid before this House an account of the expenditures made under the act to provide for the civilization of the Indian tribes, specifying the times when, the persons to whom, and the particular purpose for which, such expenditures have been made," has the honor to transmit the inclosed statement, which contains the information required by the resolution.

The Secretary of War would respectfully refer to the report made by this Department to the House of Representatives on the 15th of January, 1820, in compliance with a resolution of that House, of the progress that had been made in the civilization of the Indians, which, with the regulations, a copy of which accompanies this report, will indicate the principles upon which the several allowances for buildings and tuition, referred to in the statement, have been made.

It may be proper to observe, that, by a rigid construction of the rules adopted for the expenditure of the appropriation, the schools at Cornwall in Connecticut, and Great Crossings in Kentucky, would appear to be excluded from any benefit from it. It was believed, however, as there was not a sufficient number of schools in the Indian country, at the time the allowances were made, to absorb the whole appropriation,

that it would advance the object of Congress in passing the act, to include them in the distribution.

All of which is respectfully submitted.

J. C. CALHOUN.

To the President of the United States.

DEPARTMENT OF WAR, *February 29th*, 1820.

The following regulations, in addition to those prescribed in the circular of the 3d of September, 1819, have been adopted, with the approbation of the President of the United States, to govern the future distribution of the sum appropriated by Congress for the civilization of the Indians, among individuals or societies who have established, or contemplate establishing, schools for the education of Indian children, in conformity to the above-mentioned circular, and who desire the co-operation of the Government.

The position selected for the establishment, a plan of the buildings contemplated, with an estimate of the cost, to be submitted to the Secretary of War, to be laid before the President.

Government will, if it has the means and approves the arrangement, pay two thirds of the expense of erecting the necessary buildings.

No part of the money to be advanced until after the buildings are commenced, and one fourth to be reserved until they are completed. The payment to be made on the certificate of the agent of Indian affairs for the tribe or nation in which the establishment is located, as to the facts of the commencement and completion of the buildings. The President of the United States will contribute out of the annual appropriation, to each institution which may be approved of by him, a sum proportionate to the number of pupils

belonging to each, regard being had to the necessary expense of the establishment and the degree of success which has attended it.

No advance to be made, except for the buildings, till the school is in actual operation, of which fact, and the number of pupils belonging to it, the certificate of the superindent, or person having the principal control of the institution, will be sufficient evidence.

A report will be annually made for each establishment, on the 1st of October, of the number and names of the teachers and other persons belonging to it; the number of students; the number which have completed their course, and left the institution since the 1st day of October of the preceding year; the number entered; the amount of disbursements for the same period; and the value and description of property on hand; which report will be certified by the superintendent, or person having the principal control of the establishment.

It is considered to be the duty of all persons who may be employed or attached to any institution, not only to set a good example of sobriety, industry, and honesty, but, as far as practicable, to impress on the minds of the Indians the friendly and benevolent views of the Government towards them, and the advantage to them, in yielding to the policy of Government, and co-operating with it in such measures as it may deem necessary for their civilization and happiness. A contrary course of conduct cannot fail to incur the displeasure of Government, as it is impossible that the object which it has in view can be effected, and peace be habitually preserved, if the distrust of the Indians as to its benevolent views should be excited.

J. C. CALHOUN.

Copy of a Letter from the Secretary of War to the Rev. Jedediah Morse, dated February 7th, 1820.

SIR,—I have laid before the President your proposition to make a visit of observation and inspection to the various Indian tribes in our immediate neighborhood, in order to acquire a more accurate knowledge of their actual condition, and to devise the most suitable plan to advance their civilization and happiness. The President approves of the proposed arrangement, and has directed me to allow you the sum of $500 towards the expense of your contemplated journey, and he further authorizes me to state to you, that should your actual expenses exceed that sum, the excess will be allowed you, provided the appropriation will, at the end of the year, justify the allowance. It is desirable that you should make your visit to the Northern tribes the next spring and summer, and to the Southern the next autumn and winter, as it is the wish of the Department to have your report as early as practicable in order to avail itself of it in the future application of the funds for the civilization of the Indians.

I inclose a general letter of introduction to the superintendents and agents for Indian affairs, with a list of their names and residence, who will afford you all the information and facilities in their power.

Your attention will be directed to ascertain the actual condition of the various tribes which you may visit, in a religious, moral, and political point of view; and your report to the Department, which you will make at such times as will be convenient, will comprehend all such facts, with your reflections on them, as will go to illustrate this interesting subject. You will particularly ascertain, as far as practicable, the number of the various tribes you may visit, and those adjacent; the extent of territory, with the nature of the soil and climate of the country occupied by them; their mode of life,

customs, laws and political institutions; and the character and disposition of their most influential men.

You will also particularly report on the number of schools, their position, the number and character of the teachers, the number of scholars of each sex, the plan of education, with the degree of success which appears to attend the respective schools, and the disposition which exists in the tribes and with their chief men to promote among them education and civilization. You will also report your opinion as to improvements which may be made, and the new establishments, to promote the object of the Government in civilizing the Indians, which can be advantageously formed.

The moral condition of the Indians must necessarily be very dependent on the character of the trade with them, and a subject so important will, of course, claim your attention. You will report such facts as may come within your knowledge, as will go to show the state of the trade with them, and the character of the traders, as, in your opinion, will render it better calculated to secure peace between them and us, and will contribute more effectually to advance their moral condition.

You are so fully apprised of the views of the President in your intended visit to the Indian tribes, that a further enumeration of the objects which are thought interesting is deemed unnecessary, satisfied as I am that your zeal and intelligence will permit nothing to escape your observation which may be useful to be known to the Government. After you have collected your materials, you will digest the whole into one body, and present it in such form, and accompany it with such reflections and suggestions, as you may deem necessary to accomplish the interesting objects which it is intended to promote by your tour.

I have, &c.,

J. C. CALHOUN.

To the Rev. JEDEDIAH MORSE.

REPORT

On the condition of the several Indian tribes, communicated to the House of Representatives, February 11th, 1822.

DEPARTMENT OF WAR, *February 8th*, 1822.

The Secretary of War, to whom was referred the resolution of the House of Representatives, "requesting the President of the United States to cause to be laid before this House any information which he may have of the condition of the several Indian tribes within the United States, and the progress of the measures hitherto devised and pursued for their civilization," has the honor to transmit the inclosed table (marked A), containing the number of schools established under the patronage of the Government, within the Indian country; the number of scholars at each; the time of their commencement, where fixed, and by whom established; with remarks on their progress, present condition, &c. By reference to the table, it will appear that there are eleven principal schools, with three subordinate ones, in actual operation; and that three are in a state of preparation; and that the number of scholars, at the last return, at the principal and subordinate schools, amounted to five hundred and eight. On these schools there has been expended $15,827 56, of which $7,447 56 has been on account of buildings, and the balance, $8,380, on account of the expense of tuition. It is made a condition of the subscription on the part of the Government, that the schools should be established within the Indian country, and that the system of education, in addition to reading, writing, and arithmetic, should, for the boys, embrace instruction in agriculture and the ordinary mechanic arts, and for the girls, the common domestic industry of that sex.

It was thought advisable, at the commencement of the system, to proceed with caution, and to enlarge the sphere of operation as experience should indicate the proper measures to be adopted, by which a useless expenditure of public money would be avoided, and the system adopted for the civilization of the Indians have the fairest trial. Experience has thus far justified those which have been adopted; and it is accordingly intended to give this year a greater activity to the funds, of which a much larger portion may be applied to tuition; the necessary buildings at so many points having already been erected.

Whether the system which has been adopted by the Government, if persevered in, will ultimately bring the Indians within the pale of civilization, can only be determined by time. It has been in operation too short a period to pronounce with certainty on the result. The present generation, which cannot be greatly affected by it, must pass away, and those who have been reared under the present system of education must succeed them, before its effects can be fully tested. As far, however, as civilization may depend on education only, without taking into consideration the force of circumstances, it would seem that there is no insuperable difficulty in effecting the benevolent intention of the Government. It may be affirmed, almost without qualification, that all of the tribes within our settlements, and near our borders, are even solicitous for the education of their children. With the exception of the Creeks, they have every where freely and cheerfully assented to the establishment of schools, to which, in some instances, they have contributed. The Choctaws, in this respect, have evinced the most liberal spirit, having set aside $6,000 of their annuity in aid of the schools established among them. The reports of the teachers are almost uniformly favorable, both as to the capacity and docility of their youths. Their progress appears to be quite equal to that of white children of the

same age, and they appear to be equally susceptible of acquiring habits of industry. At some of the establishments a considerable portion of the supplies are raised by the labor of the scholars and teachers.

With these indications, it would seem that there is little hazard in pronouncing that, with proper and vigorous efforts, they may receive an education equal to that of the laboring portion of our community. Still, however, the interesting inquiry remains to be solved, whether such an education would lead them to that state of morality, civilization, and happiness, to which it is the desire of the Government to bring them; or whether there is not something in their situation which presents insuperable obstacles to such a state? To answer this inquiry, we have but little experience. There is certainly much encouragement to hope for the best, from the fact that the Cherokee nation, which has made the greatest progress in education, has also made the greatest towards this desirable state; but the experience which it affords is yet imperfect. They have adopted some written provisions for their government, to a copy of which, with an extract of a letter from the Rev. Mr. Steiner, a respectable Moravian, who has visited the nation at the interval of twenty years, and states the progress which they have made in that time, and which accompanies this report (marked B), I would respectfully refer the House, as furnishing the best testimony of the actual progress which that nation has made towards civilization. The zeal of the Cherokees for improvement, and the progress which they have made, are further evinced from the liberal provision for a school fund, for which the last treaty with them, ratified on the 10th of March, 1819, stipulates; and the fact that there are now established in the nation six schools (two of which are upon the Lancasterian system), containing in the aggregate about two hundred and thirty scholars. Notwithstanding these favorable appearances, many obstacles, difficult to be sur-

mounted, will impede the progress of the Indians to a state of complete civilization.

Without adverting to others, the political relation which they bear to us is, of itself, of sufficient magnitude, if not removed, to prevent so desirable a state from being attained. We have always treated them as an independent people; and however insignificant a tribe may become, and however surrounded by a dense white population, so long as there are any remains, it continues independent of our laws and authority. To tribes thus surrounded, nothing can be conceived more opposed to their happiness and civilization, than this state of nominal independence. It has not one of the advantages of real independence, while it has nearly all the disadvantages of a state of complete subjugation. The consequence is inevitable. They lose the lofty spirit and heroic courage of the savage state, without acquiring the virtues which belong to the civilized. Depressed in spirit, and debauched in morals, they dwindle away through a wretched existence, a nuisance to the surrounding country. Unless some system can be devised gradually to change this relation, and with the progress of education to extend over them our laws and authority, it is feared that all efforts to civilize them, whatever flattering appearances they may for a time exhibit, must ultimately fail. Tribe after tribe will sink, with the progress of our settlements and the pressure of our population, into wretchedness and oblivion. Such has been their past history, and such, without this change of political relation, it must probably continue to be. To effect it, many difficulties present themselves. It will require the co-operation of the General Government and the States within which the Indians may reside. With a zealous and enlightened co-operation, it is, however, believed that all difficulties may be surmounted, and this wretched, but in many respects noble race, be ultimately brought within the pale of civilization. Preparatory to so radical a

change in our relation towards them, the system of education which has been adopted, ought to be put into extensive and active operation. This is the foundation of all other improvements. It ought gradually to be followed with a plain and simple system of laws and government, such as has been adopted by the Cherokees; a proper compression of their settlements, and a division of landed property. By introducing gradually and judiciously these improvements, they will ultimately attain such a state of intelligence, industry, and civilization, as to prepare the way for a complete extension of our laws and authority over them.

Before I conclude, I would respectfully refer the House of Representatives, for more full and detailed information in relation to the progress made by the Indians in civilization, to the report of the Rev. Doctor Morse, which was laid before the House, in pursuance of a resolution of the 22d January last.

All which is respectfully submitted.

J. C. CALHOUN.

To the President of the United States.

REPORT

On the Accounts of the Superintendents of Indian Affairs in Michigan and Missouri, communicated to the House of Representatives, February 11th, 1822.

DEPARTMENT OF WAR, *February 9th*, 1822.

SIR,—In compliance with a resolution of the House of Representatives of the 18th ultimo, directing the Secretary of War "to lay before that House a copy of the account current of the Governor of the Michigan Territory, which

shall exhibit a perfect view of his superintendency of Indian affairs for the year 1820, and, as far as in his power, the account of said superintendency for the year 1821, specifying the particular items of expenditure, and to whom paid; and, also, a similar account for said years of the superintendency of the Governor of the late Territory of Missouri;" I have the honor to inclose the report of the Second Auditor of the Treasury, which contains the information requested.

It is proper to observe that the amount of presents made to the Indians by the superintendent for the year 1820, was very considerably increased by the treaty of Saginaw, which acquired for the Government a very extensive and valuable tract of country around the bay of that name. No appropriation having been made for the expenses of holding the treaty, they were paid out of the ordinary appropriation for the Indian Department, of which a very considerable portion is blended with the current account of the expenditure of the year, under the head of "contingent services or presents," of which some of the considerable items, particularly for horses as presents to the Indians, are connected with the treaty, the presents being given either to prepare the way for a successful issue of the treaty, or to fulfil promises made while holding it. The objects of the tour of Governor Cass, in 1820, which constitutes a portion of the expenditure for that year, will appear by a reference to the correspondence with him in relation to it, a copy of which accompanies the report of the Second Auditor, as part of the vouchers for the settlement of his account. The various tribes of Indians within his superintendency between the lakes and the Mississippi, and the country itself, were but imperfectly known, and the principal objects of the tour were to obtain a more thorough knowledge of the character of both, and to make known to those tribes the policy and feelings of the Government towards them, in order to improve the ordinary administration of the department, and to carry into effect

the system of measures which had been adopted in relation to the intercourse between them and the adjoining province of Canada. The measures which were then contemplated, are particularly stated in my letter to the Chairman of the Military Committee, dated 29th December, 1819, contained in a report of the Military Committee of the 3d January 1820, to which I would respectfully refer the House. In addition to these, there were other objects, which, though of minor consequence, were not without interest. It was thought to be expedient to extinguish the Indian title to the islands in the vicinity of Michilimackinac, containing extensive quarries of plaster of paris, and to a military site on the Sault de Ste. Marie, and to ascertain whether the Indian title had been extinguished to the country in and about the settlements at Green Bay and Prairie du Chien. These objects were considered of sufficient importance to authorize the tour; and, in order to obtain as full information as was practicable of a region so little known, two officers of the army and an enterprising and enlightened mineralogist, were attached to the party. The expenses of the tour were charged to the appropriation for the Indian Department, as its objects were connected with our relations with the Indians, and were taken principally out of the sum which, in the general distribution of the appropriation, had been allotted to that superintendency. Governor Cass received no additional compensation, and the officers of the army were allowed only the usual compensation of officers of their grade, while engaged in the performance of topographical duties. The mineralogist was allowed $1 50 per diem for the time actually engaged, comprehending that employed in completing his report. The whole expenses of the tour, including presents, and the expenses of holding the treaties to which I have referred, and by which important cessions were obtained, amount to $6,318 02.

It became necessary, while Governor Cass was at the

seat of Government last autumn, in settling his account as superintendent, to adjust his personal account against the Government, which had remained open from the date of his appointment. In 1814 and 1815, shortly after he received his appointment, he made application for the allowance of a specific sum to cover the various personal expenses to which he was liable in the performance of his duty as superintendent. Without objecting to the amount which he thought necessary for that purpose, he was informed that a specific amount could not be allowed; but at the same time it was stated that, on presenting his account, what was reasonable would be allowed. The claim, from its nature, could only be adjusted on equitable principles, it being impossible to state the items of expense to which, situated as he was, he was exposed from his intercourse with the Indians. The facts and statement on which the decision was made, with the decision itself, accompany his accounts, and will be found in the abstract of the vouchers in the report of the Second Auditor. The duties which Governor Cass performed as superintendent, being similar to those of Governor Clarke, but more extensive, and, in their performance, attended with greater expense, in the adjustment of his account, reference was had to the allowance which had been made to the latter, making such additional allowance as the difference in the two cases, and a regard to equity required.

The Governors of Territories are, by law, superintendents of Indian affairs within the Territory, whose duties extend to a general control over the agents and other officers of the Indian Department within the Territory, but do not extend to the performance of the duties assigned to agents, nor to the disbursements on account of the expenses of the department within the superintendency. These latter duties, as well as the former, having been assigned to Governor Clarke, he was allowed, by the direction of General Armstrong, $1,500 per annum for their performance, and the ex-

penses attending the same. The duties of Governor Cass have been equally extended beyond those belonging to him, as superintendent. There being no agent within the peninsula of Michigan, the duties of an agent to the tribes residing within its limits necessarily devolved on him; and the disbursements of his superintendency (to which the agencies in this and Indiana, with the exception of that at Vincennes, were annexed, as it was found to be inconvenient to separate them from the same general control which, as superintendent, he had over the Indians in that quarter) were made through him. Under these circumstances, it was thought just to extend the decision which had been made in the case of Governor Clarke to Governor Cass; to which was added an allowance, supposed to be equal to the expense necessarily attending the intercourse with the Indians at a point to which there is so great a resort of Indians as Detroit, and where, from the neighborhood of the adjoining province of Canada, it is necessary to extend to them greater liberality and attention than at any other place.

I have the honor to be your obedient servant,

J. C. CALHOUN.

Hon. PHILIP P. BARBOUR, Speaker of the House of Representatives.

LETTER

On the Accountability of Agents, communicated to the House of Representatives, February 12th, 1822.

DEPARTMENT OF WAR, *February 11th*, 1822.

SIR,—Since I received your letter of the 14th of December, written by the instruction of the Committee on Public Expenditure, I have carefully reviewed "the existing laws for establishing the Department, and for prescribing the du-

ties of the several officers therein,"—in relation to its expenditures,—and I am of the opinion that the organization of the Department,—with the exception of that portion which relates to Indian affairs, is well calculated to enforce accountability, and introduce a high degree of economy. The present organization originated in the act of Congress of the 14th of April, 1818, and has been long enough in operation to be tested by experience; and though it has not yet attained, in its operation, all the perfection of which it is susceptible, yet it is believed that, under no other system, has there been greater punctuality in the rendering and settlement of accounts, or economy in the disbursements of the Department. The committee will have a full view of the present system and its operations, by reference to the Regulations of the Army—a copy of which I herewith transmit. They will perceive that these Regulations propose to carry a minute and rigid responsibility into every branch of the military disbursements,—with what success a reference to the expenditures under their operation will best illustrate. The committee will perceive, by reference to the Regulations, that one principle pervades the whole organization—*to hold the head of each subordinate department responsible for the disbursements of his department.* All advances are made on his recommendation, founded on precise estimates; and all accounts are rendered to him, and, before they are audited, are minutely examined by him and approved. It is thus that responsibility is extended to every item of disbursements, and regularity and economy introduced.

To give the same perfection to the disbursements of the Indian Department, a similar organization ought to be extended to it,—which may be effected with very little additional expense, by attaching the office of Superintendent of Indian Trade to this Department, as Superintendent of Indian Affairs,—to have under his direction,—liable to the control of this Department, the trade and intercourse with

the Indians, and the disbursements of the Indian Department. At present, the office of Superintendent of Indian Trade is not connected with, or under the control of any of the Departments of the Government, though, in its operation, it is so intimately blended with the management of Indian Affairs, as to render it desirable that it should be under the same general control with that Department. So much of the disbursements of the Indian Department is made through the Superintendent of Indian Trade, that, if no other cause for the union of the two existed, that alone would render it desirable. Even if the present trading system should not be continued, the arrangement proposed would still be proper. Should the Government discontinue the trading houses with the Indians, the whole trade would be placed in the hands of individuals, which would require, on the part of the Government, increased vigilance and attention, to give to that mode of carrying on the trade a salutary direction; and would render it the more necessary that this important branch of our public affairs should be placed under the direction of a distinct subordinate head. Such an arrangement of the Indian Department would render it analogous, in its organization, to that of the other branches of this Department, and would, doubtless, be attended with the same desirable results. An officer specially charged with a single department would have leisure to superintend its affairs, and examine its disbursements carefully and minutely; while the Secretary of this Department, freed from details,—to attend to which he has so little leisure,—would have more time to give to the general superintendence of the various important duties imposed on him. Without such an organization, which, as has been stated, would be attended with very little additional expense,—it will be impossible to introduce into the disbursements of the Indian Department a high degree of regularity, accountability, and economy.

As connected with the request of the committee, though not comprehended in it, I would respectfully suggest the propriety of making some change in the law in relation to the effects of deceased non-commissioned officers and soldiers. They are now, by law, placed in charge of the officer commanding the troop or company, in whose custody they remain until claimed by the representative of the deceased. In many instances the representative never appears,—and in others not until after a long interval of time, when, by a change of the officers, or their neglect, the effects cannot be accounted for. I would respectfully suggest to the committee the propriety of so amending the 95th of the rules and articles of war, that, if the representative of the deceased non-commissioned officer or soldier should not appear within six months after his decease, his effects should be sold, under rules to be established by the Department, and the proceeds, together with the money he may have left at his decease, should be paid over to the Treasury—to be accounted for to his legal representative.

I have the honor to be, &c.,

J. C. CALHOUN.

Hon. THOMAS MONTGOMERY, Chairman of the Committee on Public Expenditures.

REPORT

On the Expenses of the Army and Military Academy for the years 1818, '19, '20, and '21, and estimates for the year 1822; communicated to the House of Representatives, March 5th, 1822.

DEPARTMENT OF WAR, *March 1st*, 1822.

SIR,—Pursuant to a resolution of the House of Representatives of the 7th ult., I have now the honor of trans-

mitting "a comparative view of the expenses of the Army proper, and Military Academy, for the years 1818, 1819, 1820, 1821, and estimates for 1822, arranged under the various heads of expenditure, according to the present and former organization of the Department of War." The military disbursements for the years 1816 and 1817, as explained by the letter of the Second Auditor, accompanying this Report, are so blended with the arrearages of prior years, —pay and subsistence of the militia, and claims of certain States and individuals, arising out of the late war,—as to preclude the possibility of ascertaining the expenses of the Army for those years, and so as to put it out of my power to embrace them in the comparative view called for; though it is believed, if it could be embraced in the comparison, the result would not vary materially from that founded on the expenditure of the year 1818, in which year a separation was made, for the first time, between the current expenses of the Army, and the arrearages growing out of the expenditures of the late war.

Table A, accompanying this Report, is the statement of the Second Auditor, and exhibits a view of the expenditures of the Army proper, including the Military Academy, from the year 1818 to 1821, inclusive; from which it appears that the expenditures, after deducting for the increased expense on account of the Seminole war in 1818, were, respectively, for those years, $3,702,405 04, $3,374,731 95, $2,816,414 11, and $2,180,093 53. Adding to the expenditure of the last year, the arrearages of the Quartermaster's Department, and subtracting the expenditure incident to the reducing of the Military Establishment in June last, the estimate for the expenditure of the year 1822, including the balance of such of the appropriations of the last year, as are required for the service of this, amounts to $1,800,424 85.

Table B is an abstract of the general returns of the Army for the years 1818, 1819, 1820, and 1821,—showing

the number of officers and enlisted men, as reported by the last returns received at the Adjutant-General's office, together with the Academic Staff and Military School at West Point; to which is added the number of the Military Establishment, by the present organization, for the year 1822. From the exhibit in the Table, it appears that the average strength of the Army, including officers and cadets, for the year 1818, was 8,199;—for 1819, 8,428;—for 1820, 9,693;—for 1821, 8,109;—and that, from the organization of the present Military Establishment, if the rank and file be kept full, the strength for 1822, will amount to 6,442.

It also appears from the same Table that the commissioned officers were, in proportion to the cadets and rank and file of the Army, in service for those years, thus:—

In 1818, as 1 to 11.75.
In 1819, as 1 to 12.11.
In 1820, as 1 to 13.57.
In 1821, as 1 to 12.18.
In 1822, as 1 to 10.25.

Table C exhibits the result of the comparative view of the expenditures of the Army for the years 1818, 1819, 1820, and 1821, and estimates of expenditures for 1822. To illustrate distinctly the operation of the present system in controlling the disbursements of the Army, through the instrumentality of a properly organized staff, the items composing the expenditures of the Army have been classed under two divisions, viz.:—

First—Those which are fixed by law, and which cannot be materially affected by administration;—such as pay to the officers and men,—subsistence to the former, and the allowance to them for servants, forage, transportation of baggage, &c.

Secondly—Those items which are embraced under the

general character of supplies for the Army, and which may be reduced by correct administration; such as subsistence to soldiers, clothing, Quartermaster's, and medical stores. As most of the articles embraced under the above denominations, are exposed to fluctuations in price, and a considerable reduction took place in the medical, subsistence, and clothing supplies, within the periods compared, proper allowances have been made on that account, amounting, in the price of provisions, from thirty-nine and a half to forty per centum,—and in that of clothing and medical stores, from seven to eight and a half per centum. The contracts made by the different departments, and the prices current for those years in the principal cities, have been the guides in fixing on those allowances. To the Quartermaster's disbursements no additions have been made,—as any reductions which may have taken place in the prices of supplies furnished by that department, have been more than balanced by the increased expenditure to which it has been subject from the extension and multiplication of the frontier posts.

From Table C it appears that the expenditures of the Army—additions being made as above stated for the reduction in prices of stores and supplies in the years subsequent to 1818,—so as to raise the prices of these years to the standard of those of that year,—would amount,

In 1818, to . . .	$3,702,495 04.
In 1819, to . . .	3,663,735 16.
In 1820, to . . .	3,061,884 00.
In 1821, to . . .	2,327,552 13.
And by estimates for 1822,	1,929,179 91.

From the above data and average strength of each year, conformably to an abstract of the general returns of the Army (Table B), it results, as exhibited in Table C, that the average cost of the Army, for each individual, taking

the aggregate of the officers, professors of the Military Academy, cadets and enlisted men, in the service of the United States, for 1818, was :—

In expenditures not materially affected by administration, on an average, each, . . .	$151 93
In expenditures which may be affected by administration, on an average, each, . . .	299 64
Total average cost for officers and enlisted men, &c., each, for 1818, ...	$451 57

For the year 1819,

In expenditures of the first class, each,	$158 72
In expenditures of the second class, each,	275 98
Total average cost, each, for this year, . .	$434 70

For the year 1820,

In expenditures of the first class, each,	$140 45
In expenditures of the second class, each,	175 43
Total average cost, each, for this year, . .	$315 88

For the year 1821,

In expenditures of the first class, each,	$136 62
In expenditures of the second class, each,	150 40
Total average cost, each, for this year, . .	$287 02

For the year 1822,

In expenditures of the first class, by estimates, each, ...	$155 30
In do. conformably to estimates, each, .	144 16
Total average cost each for this year, . .	$299 46

From the above it appears that there has been an actual annual reduction in the average expense of each officer and soldier in the service,—

In the year 1819, of, . .	$16 87 each.
In the year 1820, of, . .	135 69 each.
In the year 1821, of, . .	164 55 each.
And by estimates for 1822, of,	153 11 each.

The act of Congress organizing the general staff, agreeably to its present formation, was not approved until the 14th of April, 1818 ; and the change in the system for controlling the disbursements of the Army, under the superintendence of the chiefs of each Department located at Washington, could not be sufficiently matured before the close of the year 1819 ; which, with the additional expense to which the Quartermaster's Department was unavoidably subjected in the year 1819, from the occupying of advanced military posts on the Missouri and Mississippi Rivers, will account for the comparatively little reduction of expenditure in that year.

The expenditure for the year 1822, compared with the aggregate of individuals composing the Military Establishment, though favorable as contrasted with the expenses of 1818, 1819, and 1820, is not so with that of 1821. This difference is accounted for from the present organization of the Military Establishment,—the officers being in larger proportion to the rank and file than under the former organization ; but, if we should suppose the proportion to be the same, the comparison, founded on the estimate for 1822, would be more favorable in its results than in the expenditures of the preceding year. From Table C it further appears that the Army, for the year 1818,—being 8,199 strong,—including general staff, professors of the Military Academy, cadets and enlisted men, cost, for that year, $3,702,495 04 ; and that,

for the same numerical force, at the rate of the expenditures in 1818, would have cost,

For 1819, ...	$3,564,105 30
For 1820, ...	2,589,900 12
For 1821, ...	2,353,276 98
And, on the estimates for 1822,	2,455,272 51

After making an allowance for the difference in prices of articles of supplies, as above stated, the results in favor of the latter years are, respectively, $138,389 74—$1,112,594 92—$1,349,218 06—and $1,247,222 50.

Such are the results, as founded on the statement of the Second Auditor of the Treasury Department, but which, for the reasons he has assigned in his report, may not be strictly correct,—as the accounts of the expenditures of each year are not kept separately. It is, however, confidently believed that any inaccuracy in the mode of ascertaining the amount of the expenditures of the several years, cannot, in any considerable degree, vary the result. This great reduction in the expenditure has been effected by the present organization, principally by the more minute control which, through it, has been given both to the disbursement of public money and the preservation of public property. Its beneficial effects have been no less striking in the prompt rendition and settlement of the accounts of disbursing officers. All of the accounts for supplies and disbursements in the Department of the Commissary of Subsistence, for the year ending the 1st of June last,—the period at which the contracts for supplying the Army expired,—are settled, except a few small ones,—amounting in the whole, to $5,405 46 ; —though there wre seventy-one contracts formed, and ninety-one disbursing officers attached to this Department during the year.

The settlements in the other subordinate branches of this Department are not less prompt. It is believed that the system has attained nearly all the perfection of which it

is susceptible,—as by Table marked C it will be seen that those expenditures liable to be affected by administration, and which are principally on account of the soldiers, will be but little reduced in this year, when compared with those of the last; and it is not doubted that, if preserved, the system will hereafter prevent the accumulation of unsettled accounts, and of any considerable losses in the expenditure for the Army. Taking every circumstance into consideration,—the number and distance of the posts,—the quantity and quality of the supplies, and the large proportion of officers and cadets, which, while it better fulfils the object of a Peace Establishment, renders the Army more expensive, when compared with the aggregate of individuals,—including officers, cadets, and privates,—it is believed that, at no period, has the expense of the Military Establishment been, in proportion to its size, so small as under its present organization.

Table marked D contains a comparative statement of the expense of supplying the Army, from the 1st of June, 1816, till the 31st of May, 1817, under the former system; and the same, under the present, from the 1st of June, 1820, till the 31st of May, 1821. The new system commenced its operation on the 1st of June, 1819, and, as some additional expenses were necessarily incurred in the first year, it was thought that its operation would be more fairly tested by taking the subsequent year. The year, from the 1st of June, 1816, was assumed under the old system, in preference to the two subsequent years, under the belief that it presents the fairest test of the operation of the former system; the accounts of that year being more completely adjusted, and involved in the increased expenditure on account of the Seminole War.

I have the honor to be, &c.,

JOHN C. CALHOUN.

Hon. P. P. BARBOUR, Speaker of the House of Representatives.

REPORT

On the Condition of the Military Establishments and Fortifications, communicated to Congress, by the President, Dec. 3d., 1822.

DEPARTMENT OF WAR, *November 27th*, 1822.

SIR,—In compliance with your directions, I herewith transmit statements from the major-general of the army, and the several subordinate branches of this department which give, in detail, the information requested.

In order to render the military organization more complete, the major-general, after the late reduction of the army, under the act of the 2d of March, 1821, was stationed at the seat of government;—thus bringing the military administration of the army, as well as its pecuniary, through the several subordinate branches, under the immediate inspection and control of the Government. There is reason to believe that the arrangement will be highly useful.

The report of the major-general, herewith transmitted (marked A), exhibits the present organization, strength, and distribution of the army. In the distribution, both in relation to the positions occupied, and the number at each post, regard has been had to the protection of important points and the discipline of the troops. The artillery, with the exception of four companies on the Lakes, and one at West Point, has been assigned to the garrisoning of the various fortresses along the line of the sea-coast, and the important ordnance depots in the interior;—while the infantry, with the exception of a regiment at Pensacola, has been stationed at the important points in the interior, principally on the upper Lakes, and the western frontier.

No change has been made in the course of the year in the distribution of the troops, with the exception of transferring one company of artillery from Fernandina to Charleston harbor, one battalion of the second regiment of infantry from Sackett's Harbor to the Sault St. Marie, at the outlet of Lake Superior, and the whole of the seventh regiment from Fort Scott and bay of St. Louis, to the Arkansas and Red Rivers,—to each of which one battalion has been assigned.

The inspectors-general (one of whom has been assigned to the artillery, and the other to the infantry), have, in the performance of their duties, visited all the posts and military depots in the course of the year, with the exception of the posts on the Arkansas and Red Rivers—the inspection of which was prevented by the inspectors being severally attacked by fever while on their tour of inspection. In addition to the inspection by the inspectors-general, the generals commanding the departments have inspected, or are in the course of inspection, of the whole of their respective commands.

The various articles which constitute the supplies of the army, have been, during the year, regularly issued, and of good quality.

The Report of the Chief of the Engineers (marked B), exhibits the progress which has been made in the course of the year, in the erection of fortifications,—also the operations of the Board of Engineers, and the Corps of Topographical Engineers,—and the present condition of the military academy; by reference to which it will appear that the important duties, assigned to that department, have been performed in a very satisfactory manner.

The Report of the Colonel of Ordnance (marked C), contains an exhibit of the operations in that branch of service during the last year,—comprising the operations at the armories,—the ordnance depots,—and the measures which

have been taken in relation to the lead mines,—the superintendence of which has been recently annexed to the Ordnance Department. The report satisfactorily shows that this important department is gradually attaining a state of high perfection. The rigid inspection of the various ordnance depots, which has been lately made the duty of the Inspector of Artillery, will, it is believed, greatly contribute to improve this important branch of service.

The Reports of the Quartermaster-general, Paymaster-general, Surgeon-general, and the Commissaries-general of Provisions and of Purchases, herewith transmitted (marked D, E, F, G, and H), exhibit a very satisfactory view of the condition of their respective departments. On the 4th of March, 1817, there remained unsettled, on the books of the second and third auditors, of the sums disbursed through this department, previous to that date,—$45,111,123 01, —which, on the 30th of September last, was reduced to $4,689,292 95. Since the former period there has been disbursed through this department, $40,887,772 83; of which, on the 30th of September last, there remained to be settled $6,290,110 60,—the greater part of which consists of accounts in the ordinary and due course of settlement. Of the sums advanced, in the year ending the 30th of September, 1821, to the officers under the control of this department, but $30,657 48 remained to be accounted for at the commencement of this quarter.

By reference to the statements in the reports of the subordinate branches of this department, already referred to, it will appear that there was drawn from the Treasury, in the first three quarters of this year, on account of the army, military academy, fortifications and ordnance, $1,930,464 59,—and that accounts amounting to $1,737,072 30 have been rendered for settlement,—leaving but $193,392 29 to be rendered;—all, or nearly all of which, it is believed, will be accounted for before the termination of the quarter; and

there is reasonable ground to believe that the disbursements of the year will be made without any loss to the Government. Nearly the whole amount which is outstanding, of the disbursements of the first three quarters of the year, has been prevented from being accounted for, either by the sickness of the disbursing agents, or the very great distance of the posts at which the disbursements have been made.

Great reductions have been made in the amount of expenditures in every branch of service, as will appear by reference to the reports already referred to, which contain comparative statements of the present and former rates of expenditure.

All which is respectfully submitted,

JOHN C. CALHOUN.

The PRESIDENT of the United States.

REPORT

On the Execution of the Treaty with the Choctaws, of the 18th of October, 1820, communicated to the House of Representatives, February 6th, 1823.

DEPARTMENT OF WAR, *February 4th*, 1827.

The Secretary of War, to whom was referred the resolution of Representatives of the 28th ultimo, requesting the President of the United States "to inform this House if the treaty concluded with the Choctaw nation of Indians on the 18th day of October, 1820, has been executed, so far as respects the cession of certain lands to said nation west of the Mississippi River, and if possession has been given of the lands ceded to them; if not, that he assign the reasons which prevented the immediate execution of the stipulations of said treaty; and whether the difficulties have diminished or increased by the delay in its execution;" has the honor to state that, soon after the ratification of the treaty referred to, the necessary measures were adopted by this Department for the execution of the stipulations in the foregoing resolution of the House of Representatives, and in pursuance of which the boundary line of the land ceded to the Choctaws west of the Mississippi was ascertained and marked by the commissioner appointed for that purpose; a copy of which report is herewith inclosed. And considerable efforts were made, through a special agent appointed for the purpose, in virtue of a stipulation in said treaty, upon the recommendations of Generals Jackson and Hinds, the commissioners who negotiated it, to induce the Choctaws to remove and settle there (a copy of the instructions to this agent are inclosed), but without success, as will be seen by the accompanying extracts of letters from the special agent (here referred to), and the agent to the Choctaw nation, to this Department on

the subject. These extracts will also explain the causes of the failure, the principal one of which, it is believed, is to be found in the number of white settlements in the country ceded to the Choctaws. The Department has no information which will enable it to say whether the difficulties have diminished or increased by the delay in the execution of the treaty.

JOHN C. CALHOUN.

The President of the United States.

DEPARTMENT OF WAR, *March 27th*, 1821.

SIR,—The sum of $65,000 was appropriated by Congress to carry into effect the treaty concluded with the Choctaw nation on the 18th of October last, a copy of which is herewith inclosed.

You are charged with the superintendence of the execution of that part of the treaty which provides for the emigration of the Choctaws to the country which has been ceded to them beyond the Mississippi, which it is desirable should be done upon the most economical terms, and with as little delay as possible.

The Superintendent of Indian Trade will be instructed to forward to Natchez, as soon as practicable, subject to your order, 500 blankets, 500 kettles, 500 rifle guns, with bullet moulds and wipers for each, 1,000 pounds rifle powder, and a proportionate quantity of lead. Should a greater number of these articles, in your opinion, be required, you will immediately inform this Department, and state the probable number that will be required: it will be forwarded without delay.

The quantity of corn which may be necessary to supply the number of Indians that may be disposed to emigrate on

their journey, you will purchase on the best terms you can; a further supply, if it should be required, will be furnished after their arrival in their new country, agreeably to the treaty, by Captain George Gray, the Indian agent on Red River, who is instructed to perform the duties of agent to them.

In order that Captain Gray may be prepared to meet the Indians, and make the necessary provision for them, you will correspond with him, and advise him of the probable time of their arrival, and of their number.

Mr. Folsom, who was recommended by Generals Jackson and Hinds as a suitable person for the purpose, has been appointed agent (the appointment is herewith inclosed, to be forwarded to him), under your direction, to collect all the Choctaws who are desirous of removing beyond the Mississippi, and to conduct them thither.

Mr. Folsom will correspond with you relative to his duty, and report to you, from time to time, the number of the Indians who declare their intention to emigrate, distinguishing the number of men, women, and children; from which you will regularly register them in a book to be kept for that purpose at the agency, until the 22d day of December next, being one year from the ratification of the treaty. All who intend to emigrate, and wish to avail themselves of the provisions of the treaty, must do so before the period just mentioned, as after that time the provision for emigrants made by the treaty will cease, and no corn or other articles will be issued by the United States.

When any number of Indians are collected, and ready to start on their journey, the agent will inform you of the fact, and make a return to you of the precise number, particularly distinguishing the number of warriors; upon which returns, duly certified by him, you will issue a sufficient quantity of corn to each family or individual, for their support on the way. The articles to be given to the warriors will not be

delivered to them until they are about to cross the Mississippi; and you will select some point on the river, convenient to the place where the emigrants shall cross, to which the articles can be transported for delivery.

You will take the receipt of the agent on all such returns, specifying the quantity of corn and number of articles delivered to the Indians by you, and transmit the same to this Department, with your accounts as vouchers. These returns will be also registered in the book to be kept at the agency.

All those who have separate settlements, which fall within the limits of the land ceded by the Choctaw nation to the United States, and who desire to remain where they now reside, in order to avail themselves of the privilege secured to them by the ninth article of the treaty, must make known their intention to remain within one year from the ratification of the treaty, and enrol their names upon the register which you are required to keep open at the agency until that time for the purpose; otherwise, they will lose the benefit of the privilege. This register will be closed at the period mentioned, certified by you, and transmitted to this Department, with the register of the emigrants, certified in like manner.

You will be particular in ascertaining, yourself, or by the agent, the number and names of those who prefer removing from the land ceded to the United States to taking reservations, and actually do so within the time limited; as all such are to be paid by the United States for their improvements, agreeably to a valuation to be made by commissioners to be appointed by the President of the United States.

The lines of the land ceded by the Choctaw nation to the United States will be run out immediately by the public surveyor, under the direction of the Commissioner of the General Land Office; those of the land ceded to the Choctaw nation will be run out by a commissioner; and Henry D. Downs, of Mississippi, has been appointed. His commission and in-

structions are herewith inclosed to you, to be forwarded to him.

Elder Brashears, Esq., of Mississippi, was also recommended for this duty by Generals Jackson and Hinds; but, as one would be sufficient, Mr. Downs, being the first named, was selected. Lest, however, he should be unwilling to serve, I have also inclosed a commission and instructions for Mr. Brashears, which you will forward only in case of Mr. Downs declining the appointment. The remaining stipulations of the treaty will claim the attention of the Government in due time.

You will transmit an estimate of the probable amount of funds which will be required for the purchase of corn and for other expenses which may necessarily arise on account of emigration from the Choctaw nation, and it will be remitted to you from the Treasury. The disbursement of these funds will be accounted for separately from those disbursed for your agency, as they are furnished from a distinct appropriation.

I have, &c.,

JOHN C. CALHOUN.

WILLIAM WARD, Esq, Choctaw Agent.

DEPARTMENT OF WAR, *March 27th*, 1821.

SIR,—I inclose you a regular appointment as agent to collect all the Choctaws who may be disposed to emigrate, agreeably to the late treaty, to the country ceded to them beyond the Mississippi, and to conduct them thither.

Mr. Ward, the Choctaw agent, has been instructed to take immediate measures for the emigration of the Choctaws; and you will correspond with him and take his instructions upon all points connected with your duty. You will, in conjunction with Mr. Ward, fix upon the best and speediest

mode of ascertaining the number of those that may be disposed to emigrate, and of making your reports to him, from which he is required to keep a register of the whole number of emigrants, distinguishing men, women, and children, at the agency. When all that intend to emigrate are collected together and about to commence their journey, provisions will be issued to them by Mr. Ward, on your return of the number, in which you will be particular in distinguishing the number of warriors. The articles for the warriors will be delivered to them when they are about to cross the Mississippi. Since the conclusion of the treaty, the Department has learned that the boundary line of the land ceded to the Choctaw nation from Red River to the Arkansas, as fixed by the treaty, will probably materially affect the white population in the Arkansas territory, and it is the intention of the President, if that should be the case, as soon as the line is run out by the commissioner who has been appointed for the purpose, and his report is received (in which he is instructed to state the number of white inhabitants, and the position of the settlements that will be materially affected by it, and at what point a line could be drawn, deviating as little as possible from that called for by the treaty, which would the least interfere with them), to propose to the Indians to alter the line accordingly, making to them a suitable compensation for the portion of territory they will give up by the alteration. With a view to this arrangement, it is the wish of the President that the Choctaws should not settle in the neighborhood of the whites, but that they should settle sufficiently far west to prevent collisions between them.

You will apprise the Indians of the difficulty that exists with respect to the line as it is fixed by the treaty, and of the intention of the President to propose an alteration of it, and endeavor to prepare them for a favorable result, and, in the mean time, to locate them so far west as will not interfere with the intention of the Government.

You will be allowed $1,000 in full for the service which is required of you by the appointment which has been conferred on you, which will be paid upon the joint certificate of Mr. Ward and Captain Gray, that it has been faithfully performed.

I have, &c.,

J. C. CALHOUN.

Mr. EDWARD FOLSOM, Agent, &c., Mississippi.

REPORT

On the Condition of the Military Establishment, Fortifications and Returns of the Militia; communicated to Congress by the President, Dec. 2d, 1823.

SIR,—In compliance with your directions, I herewith transmit statements from the Major-General of the Army, and the several subordinate branches of this Department, lettered from A to M, which contain, in detail, a view of the administration of the first three quarters of the year, of the various branches of the public service intrusted to this Department;—comprising the Army, Military Academy, fortifications, ordnance,—including the armories,—military pensions, bounty lands and Indian Affairs.

The statements afford satisfactory proof that order, accuracy, economy, and accountability have been introduced into every branch of the military service. It will be seen by them that the money appropriated by Congress has been applied with economy to effect the objects of appropriation; that the accounts have been made up with accuracy, and transmitted with promptitude to the proper departments for

settlement, and have there been settled without delay. These observations are true, with scarcely a single exception; and the result has been that, of the entire amount of money drawn from the Treasury in the year 1822, for military service,—including the pensions—amounting to $4,571,961 94,—although it passed through the hands of no less than 291 disbursing agents,—there has not been a single defalcation, nor the loss of a cent to the Government;—and that the whole has been accounted for at the Treasury, except a small amount which remains in the hands of the disbursing agents, ready to be applied to the objects for which it was drawn. The disbursements for the first three quarters of this year have been equally satisfactory; and there is every reason to believe that no defalcation or loss will occur in the year. The administration in relation to Indian affairs, though greatly improved, and the expenditure reduced fully one half, is not as perfect as that of the military branch of the Department; nor can it be made so, unless rendered equally perfect in its organization. It is impossible, under the present arrangement, that the minute and constant attention to its details, which is indispensable to a perfect administration, can be bestowed.

But it is not only in its disbursements that the military service has attained a high perfection. The condition of the army in every branch,—both of the line and staff,—in its *materiel* and *personnel*,—and in its discipline and administration,—is highly respectable. If there be any exception, it is in the discipline of the artillery. Though the officers of that branch of the service are equal in skill to those of any other, and are distinguished for their attention to their duties, yet it is found impracticable,—dispersed as the artillery is in commands of single companies,—to render their discipline of the corps as perfect as is desirable. It is contemplated, during the next year, to concentrate a sufficient number of artillerists for discipline at some proper point, and, by ren-

dering their discipline perfect, gradually extend the improvement, thus acquired, to the whole corps. It can be effected without additional expense to the public, and, it is believed, without material inconvenience to the service.

Of the Military Academy, it may with confidence be said, that it has attained a state of perfection as great as is practicable under the existing legal provisions, and that it is not inferior to any similar institution in any country.

Under the appropriations of the last session, Forts Washington, Delaware, and the one at the Rigolets, will be completed; and it is contemplated, should appropriations be granted, to commence, in the next year, the works projected at New Utrecht, which is intended to cover Fort Lafayette, which commands the Narrows at New York, and those at Brenton's Point, for the defence of Narraganset Bay.

The Board of Engineers, besides its ordinary duties, were, during the last summer, engaged in executing several special orders; and, among others, in projecting a breakwater at the mouth of the Delaware, under the act of the 7th of May, 1820, and in forming a plan for the improvement of the entrance into the harbor of Presque Isle, on Lake Erie. In relation to both of these important subjects, it made very interesting reports,—with plans and estimates, which accompany the statement from the Engineer Department, herewith transmitted.

The completion of the new fortresses, and those to be erected, will require an appropriation in order to fabricate the cannon and carriages necessary for their armament. It is estimated that an annual appropriation of $100,000 will, in ten years, furnish a sufficient number for all the works contemplated for the defence of the coast. There would, undoubtedly, be great economy in granting a permanent appropriation, instead of an annual one, as contractors would vest their capital at much less profit, under the assurance which would be afforded by the former.

Under the appropriation to fix a site for a National Armory on the Western waters,—made the last session,—a commission, consisting of Col. McKee, Col. Lee, and Capt. Talcott, was constituted, which has been incessantly engaged in exploring the country on the Western waters, in order to make the location. It has not yet reported, but it is expected that it will make its report in the early part of the session of Congress.

In the month of June last, the Riccarees, who inhabit the country on the Wisconsin, a little below the Mandan Villages, attacked Gen. Ashley with his party, while peaceably engaged in trading with them, at their request,—under license from the Government,—and killed and wounded several of his party. Col. Leavenworth, who commanded Fort Atkinson, at the Council Bluffs, adopted immediate measures of redress. With a part of his command, he made a successful attack on the village, and compelled the Riccarees, after a considerable loss on their part, to sue for peace. Statement marked L contains the correspondence in relation to the transaction, and exhibits a full view of the facts.

The report from the Adjutant-General's office, marked M, contains the returns of the militia according to the latest reports made to that office. Returns from only three of the States have been received in the course of the year, though every effort has been used to insure punctuality in making them.

I have the honor to be your obedient servant,

JOHN C. CALHOUN.

To the President of the United States.

REPORT

On the Condition of the Military Establishment and Fortifications, communicated to Congress by the President, Dec. 7th, 1824.

DEPARTMENT OF WAR, *Dec.* 3*d*, 1824.

SIR,—In compliance with your directions, I herewith transmit reports from the various branches of the military establishment, lettered from A to K, which contain a full statement of the administration of that portion of the public service which is confided to the Department of War. The reports afford satisfactory evidence that a high degree of excellence has been attained in the administration of the different branches of the Department. Not an instance of defalcation or loss has thus far occurred; and there is every reason to believe that the disbursements of the year will be made without the loss of a cent to the Government. The accounts have already been rendered for nearly all the money which has been drawn from the Treasury in the first three quarters of the year, on account of the army, fortifications, ordnance, and Indian Affairs; and it is anticipated with confidence, that the accounts of the whole of the disbursements of those quarters will be rendered before the end of the year. The old unsettled accounts of the Department, which, at the commencement of the present administration, amounted to $45,111,123, have been reduced to $3,136,991; and further accumulation is effectually prevented in the Department, by strict fidelity and punctuality in expenditure, and settlement of accounts.

In order to improve the discipline of the artillery, eleven companies have been collected at Fortress Monroe, at old Point Comfort, which have been formed into a corps as a school of practice for the artillery. The dispersed condition

of the artillery rendered the measure necessary to the improvement of its discipline. By passing the whole corps, in succession, through the school, a degree of perfection will be given to the discipline of the artillery, nearly, if not quite equal to that which could be attained, were it practicable to collect it into one body,—instead of being dispersed, as it is, in garrisons in the different fortresses along the whole line of the coast. To carry the arrangement into full effect, will require the aid of Congress. An appropriation, in particular, will be necessary to furnish horses for instruction in the light artillery exercise, which may be also used in instructing the cavalry drill ;—a branch of service in which the army is now without skill or instruction.

A Board of Officers has been constituted to revise the book of field exercise and manœuvres of infantry, which was adopted at the close of the late war, in order to a new and more correct edition,—and to adapt it, as far as practicable, to the service of militia. It is proposed, also, to add to it a system of light infantry and cavalry drill, and to correct and enlarge the military rules and regulations, so as to render them as perfect as is practicable with our present experience.

The organization of the Indian Department has been much improved in the course of the year ;—the beneficial effects of which are already apparent in its improved administration.

The hostilities of the remote Indian tribes on the Missouri still continue, and have extended, in some degree, to those on the upper Missouri and the upper lakes. The continued hostility among the various tribes themselves, in that quarter, it is believed, has contributed, in no small degree, to the murder of our citizens and depredation on their property, which have occurred ; and measures have been taken to effect, if possible, a general pacification among them.

The season was too far advanced when the act passed, to carry into effect the intention of Congress in authorizing

treaties to be held with the remote tribes on the Missouri, by commissioners to be appointed by the President, and to be accompanied by a military escort. The commissioners have, however, been appointed (General Atkinson and Major O'Fallon, the agent on the Missouri), and measures adopted to carry the provisions of the act into effect as soon in the spring as the season will admit. It is believed that much good will result from the measure, by giving increased security to our citizens and trade in that remote region ;—but it is feared that nothing short of permanent military posts will afford complete security to either.

The appropriation of the sum of $10,000, annually, for the civilization of the Indians, is producing very beneficial effects, by improving the condition of the various tribes in our neighborhood. Already thirty-two schools are established in the Indian nations, and for the most part are well conducted,—in which, during the present year, nine hundred and sixteen youths of both sexes have been instructed in reading, writing, arithmetic, and all of the ordinary occupations of life. So large a body of well-instructed youths, of whom several hundred will annually return to their homes, cannot fail to effect a beneficial change in the condition of this unhappy race.

The acts making appropriation for the repairs of Plymouth Beach, the improvement of the entrance into the harbor of Presque Isle, on Lake Erie, and of the navigation of the Ohio and Mississippi, claimed the early attention of the Department. The execution of the first two of these works was placed under the superintendence of officers of the corps of engineers. The first is nearly completed, and preparatory arrangements have been made for the early execution of the second. An officer, also of the corps, was assigned to the execution of the act for the improvement of the navigation of the Ohio, so far as it authorized an experiment to be made in removing the sandbars which obstructed the navigation of that river. The officer was prepared to make the experiment, but the river

remained too full, during the fall, for a fair trial. Under the other provisions of the act, directing measures to be taken to remove snags, sawyers and planters, which obstruct the navigation of the Ohio and Mississippi, a contract has been formed with a gentleman experienced in their navigation, to free both of those rivers from all such obstructions, in conformity with the provisions of the act, for the sum of $60,000,—to be paid on the execution of the work. In the contract it is stipulated that it shall be executed under the superintendence and inspection of an officer of the corps of engineers.

In order to carry into effect the act of Congress of the 30th of April last,—authorizing the President "to cause the necessary surveys, plans, and estimates to be made of the routes of such roads and canals as he may deem of national importance in a commercial or military point of view, or necessary to the transportation of the public mails"—a board was constituted, consisting of General Bernard and Colonel Totten, of the engineer corps, and John L. Sullivan, an experienced civil engineer. It became necessary, in giving orders to the board, under the act, to determine what routes for roads and canals were of "national importance," in the views contemplated by the act, as such only as the President might deem to be of that description, were authorized to be examined and surveyed. In deciding this point, it became necessary to advert to our political system in its distribution of powers and duties between the General and State Governments. In thus regarding our system, it was conceived that all these routes of roads and canals which might be fairly considered as falling within the province of any particular State, —however useful they might be in a commercial or political view, or to the transportation of the mail, were excluded from the provisions of the act. The States have important duties to perform, in facilitating, by means of roads and canals, commercial and political intercourse among their citizens; and within the spheres of these duties, they are more competent

to act than the General Government; and there can be no rational doubt but that, as the population and capital of the several States increase, these powerful means of developing their resources, will receive, from their respective Legislatures, due attention. But, as numerous as this class of improvements is, and important as it may be to the General Government in the discharge of the various duties confided by the Constitution to it, there are other improvements not comprehended in it, of a more general character, which are more essentially connected with the performance of its duties, while they are less intimately connected with those belonging to the State Governments, and less within their power of execution. It is believed that this class, and this only, was comprehended in the provisions of the act. In projecting the surveys in this view of the subject, the whole Union must be considered as one, and the attention directed, not to those roads and canals which may facilitate intercourse between parts of the same State, but to those which may bind all of the parts together, and the whole with the centre; thereby facilitating commerce and intercourse among the States, and enabling the Government to disseminate promptly, through the mail, information to every part, and to extend protection to the whole. By extending these principles, the line of communication by roads and canals, through the States, the General Government, instead of interfering with the State Governments within their proper spheres of action, will afford (particularly to the States situated in the interior) the only means of perfecting improvements of a similar description which properly belong to them.

These principles being fixed, it only remained to apply them to our actual geographical position, to determine what particular routes were of "national importance," and which, accordingly, the board should be directed to examine, in order to cause surveys, plans, and estimates to be prepared, as directed by the act.

The first and most important was conceived to be the route for a canal extending from the seat of Government, by the Potomac, to the Ohio River, and thence to Lake Erie; and, accordingly, as soon as the board was organized, it was ordered to examine and cause this important route to be surveyed. Dr. William Howard and Mr. James Shriver, both of whom were well acquainted with the localities of the route, were associated, as assistants, with the board. Two topographical brigades (all that could be spared from the survey of the coast, for the purpose of fortification), and one brigade of surveyors, under Mr. Shriver, were placed under the orders of the board.

The examination of the route was completed in September; but the survey will not be finished till the next season. That part of it, however, which is most interesting,—the section of the summit-level of the Alleghany, including its eastern slope, is completed; which, it is hoped, will enable the board to determine, during the present winter, on the practicability of the project. Should it prove practicable, its execution would be of incalculable advantage to the country. It would bind together, by the strongest bond of common interest and security, a very large portion of this Union; but in order fully to realize its "importance in a national point of view," it will be necessary to advert to some of the more striking geographical features of our country.

The United States may be considered, in a geographical point of view, as consisting of three distinct parts; of which the portion extending along the shores of the Atlantic, and back to the Alleghany mountains, constitutes one; that lying on the lakes and the St. Lawrence, another; and that watered by the Mississippi,—including its various branches, the other. These several portions are very distinctly marked by well-defined lines, and have naturally but little connection, particularly in a commercial point of view. It is only by artificial means of communication, that this natural separa-

tion can be overcome; to effect which much has already been done. The great canal of New York firmly unites the country of the lakes with the Atlantic, through the channel of the North River; and the National Road from Cumberland to Wheeling, commenced under the administration of Mr. Jefferson, unites, but more imperfectly, the Western with the Atlantic States. But the complete union of these separate parts, which geographically constitute our country, can only be effected by the completion of the projected canal to the Ohio and Lake Erie, by means of which, the country lying on the lakes will be firmly united to that on the Western waters, and both with the Atlantic States, and the whole intimately connected with the centre. These considerations, of themselves, without taking into view others, fairly bring this great work within the provisions of the act directing the surveys; but when we extend our view, and consider the Ohio and the Mississippi, with their great branches, but as a prolongation of the canal, it must be admitted to be, not only of "national importance," but of the very highest national importance, in a commercial, military and political point of view. Thus considered, it involves the completion of the improvements in the navigation of both these rivers, which has been commenced under the appropriations of the last session of Congress; and also canals around the falls of the Ohio at Louisville, and Muscle Shoals on the Tennessee River; both of which, it is believed, can be executed at a moderate expense. With these improvements, the projected canal would not only unite the three great sections of the country together, as has been pointed out, but would also unite, in the most intimate manner, all of the States on the lakes and the Western waters among themselves, and give complete effect to whatever improvements may be made by those States individually. The advantages, in fact, from the completion of this single work, as proposed, would be so extended and ramified throughout these great divisions of our

country, already containing so large a portion of our population, and destined, in a few generations, to outnumber the most populous states of Europe, as to leave in that quarter, no other work for the execution of the General Government, excepting only the extension of the Cumberland Road from Wheeling to St. Louis, which is also conceived to be of "national importance."

The route which is deemed next in importance, in a national point of view, is the one extending through the entire tier of the Atlantic States, including those on the Gulf of Mexico. By adverting to the division of our country through which this route must pass, it will be seen that there is a striking difference in geographical features between the portions which extend north and south of the seat of Government,—including the Chesapeake Bay, with its various arms, in the latter division. In the northern part of the division, all the great rivers terminate in deep and bold navigable estuaries,—while an opposite character distinguishes the mouths of the rivers in the other. This difference gives greater advantage to improvement by canal in the northern, and less in the southern division. In the former, it is conceived to be of high national importance to unite its deep and capacious bays by a series of canals; and the board was accordingly instructed to examine the routes for canals between the Delaware and the Raritan,—between Barnstable and Buzzard's Bay,—and Boston Harbor and Narraganset Bay. The execution of the very important link in this line of communication between the Delaware and the Chesapeake, having been already commenced, was not comprehended in the order. These orders will be executed by the board before the termination of the season. The important results which would follow from the completion of this chain, in a commercial, military, and political point of view, are so striking that they need not be dwelt on. It would, at all times,—in peace and war,—afford a prompt, cheap and safe communi-

cation between all of the States north of the seat of Government, and greatly facilitate their communication with the centre of the Union. The States of New Hampshire and Maine, though lying beyond the point where these improvements would terminate, would not, on that account, less participate in the advantages, as they are no less interested than Massachusetts herself, in avoiding the long and dangerous passage round Cape Cod, which would be effected by the union of Barnstable with Buzzard's Bay.

In the section lying south of this, none of these advantages of communication by canal exist. A line of inland navigation, it is true, extends along nearly the whole line of coast, which is susceptible of improvement, and may be rendered highly serviceable, particularly in war, and on that account may be fairly considered of "national importance." The Dismal Swamp Canal, from Chesapeake Bay to Albemarle Sound,—which is nearly completed, constitutes a very important link in this navigation. But it is conceived that, for the southern division of our country, the improvement which would best effect the views of Congress, would be a durable road, extending from the seat of Government to New Orleans, through the Atlantic States; and the board will, accordingly, receive instructions to examine the route as soon as the next season will permit.

The completion of this work, and the line of canals to the north, would unite the several Atlantic States,—including those on the Gulf, in a strong bond of union, and connect the whole with the centre,—which would also be united, as has been shown, with those on the lakes and Western waters, by the improvements projected in that quarter.

These three great works, then,—the canal to Ohio and Lake Erie, with the improvement of the navigation of the Ohio, Mississippi, and the canal round the Muscle Shoals,—the series of canals connecting the bays north of the seat of Government,—and a durable road extending from the seat

of Government to New Orleans, uniting the whole of the southern Atlantic States, are conceived to be the most important objects within the provisions of the act of the last session. The beneficial effects which would flow from such a system of improvement would extend directly and immediately to every State in the Union; and the expenditure that would be required for its completion would bear a fair proportion to the wealth and population of the several sections of the country, —at least, as they will stand a few years hence. When completed, it would greatly facilitate commerce and intercourse among the States, while it would afford to the General Government the means of transmitting information through the mail promptly to every part, and giving effectual protection to every portion of our widely extended country.

There are several other routes which, though not essential to the system, are deemed of great importance in a commercial and military point of view, and which the board will receive instructions to examine. Among these, the most prominent is the connection, whenever it may prove practicable, of the Eastern and Western waters, through the principal rivers discharging themselves into the Atlantic and the Gulf of Mexico: for example, the Alabama and Savannah Rivers with the Tennessee,—the James River with the Kanawha,—and the Susquehanna with the Alleghany; which last will be more particularly adverted to in a subsequent part of the Report. To these we may add, the route from Lake Champlain to the St. Lawrence, and from the river St. John, across Florida Neck, to the Gulf of Mexico. They are both deemed important, but the latter particularly so. Should it prove practicable, its beneficial effects would be great, comprehensive, and durable. The whole of the Atlantic and Western States would deeply partake in its advantages. Besides the facilities of intercourse which it would afford, between these States, our trade with Mexico, Guatimala, and the central

parts of the continent, would not only be greatly facilitated but rendered much more secure.

The board have, besides those already mentioned, examined, in conjunction with Pennsylvania commissioners, a route for a canal from the Alleghany to the Susquehanna In addition to the importance of this route to a large portion of the West and the State of Pennsylvania, it was thought to possess other and strong claims on the attention of the Government. It is believed to be one of the most promising routes to cross the Alleghany by a canal communication; and should that by the Potomac prove impracticable, it might afford the means of effecting the great objects intended by the canal projected on that route.

When the various routes, to which I have referred, are examined and surveyed, and plans and estimates formed, in conformity with the directions of the act, it will present so full a view of the whole subject, as will enable Congress to commence and complete such a system of internal improvement as it may deem proper, with the greatest possible advantage.

In conclusion, I have to remark, that experience has shown the corps of engineers to be too small to perform the various duties which are assigned to it. Its duties have been more than trebled since its establishment, and are increasing every year. During the present year much inconvenience has been experienced for want of a sufficient number of officers, —notwithstanding every officer of the corps has been on active duty during the season.

I have the honor to remain your obedient servant,

JOHN C. CALHOUN.

To the President of the United States.

REPORT

On the Extent of Executive Patronage, Feb. 9th, 1835.

Mr. Calhoun from the select committee appointed to inquire into the extent of Executive patronage; the circumstances which have contributed to its great increase of late;—the expediency and practicability of reducing the same, and the means of such reduction,—stated that they have bestowed on the subjects into which they were directed to inquire that deliberate attention which their importance demands, and submit, as the result of their investigation, the following report in part:—

To ascertain the extent of Executive patronage,—the first subject to which the resolution directs the attention of the committee,—it becomes necessary to ascertain previously the amount of the revenue and the expenditure, and the number of officers, agents, and persons in the employment of the Government, or who receive money from the public treasury, all of which, taken collectively, constitute the elements of which patronage is mainly composed.

As the returns of the revenue and expenditure for the year 1834 are not yet completed, your committee have selected the year 1833, as being the last of which complete and certain returns can be obtained.

The result of their investigation on all these points will be found in a table annexed to the report, which contains a statement of the gross amount of the revenue under the various heads of customs, lands, post-office, and miscellaneous, for the year 1833; the expenditures for the same period, arranged under the various heads of appropriations,—the number of officers, agents, contractors, and persons in the employment of the Government, or who receive money from the public treasury. From this table it appears that the ag-

gregate amount of the revenue for the year was $35,298,426, and of the disbursements, $22,713,755;—that the number of officers, agents, and persons in the employment of the Government is 60,294;—of which there belong to the civil list, including persons in civil employ, attached to the army and navy, 12,144;—to the military and Indian department, 9,643;—to the navy, including marine corps, 6,499;—to the post-office, 31,917; all of whom hold their places directly or indirectly from the Executive, and, with the exception of the judicial officers, are liable to be dismissed at his pleasure. If to the above there be added 39,549 pensioners, we shall have a grand total of 100,079 persons who are in the employ of the Government, or dependent directly on the public treasury.

But, as great as is this number, it gives a very imperfect conception of the sum-total of those who, as furnishing supplies or otherwise, are connected with, and more or less dependent on, the Government, and, of course, liable to be influenced by its patronage, the number of whom, with their dependants, cannot even be conjectured. If to these be added the almost countless host of expectants who are seeking to displace those in office, or to occupy their places as they become vacant, all of whom must look to the Executive for the gratification of their wishes, some conception may be formed of the immense number subject to the influence of Executive patronage.

But to ascertain the full extent of this influence, and the prodigious control which it exerts over public opinion and the movements of the Government, we must, in addition to the amount of the revenue and expenditure, and the number of persons dependent upon the Government, or in its employ, take into the estimate a variety of circumstances which contribute to add to the force and extent of patronage. These, in the regular course of the investigation, would next claim the attention of your committee; but as all, or, at least, a

far greater part of them, are of recent origin, they will properly fall under the next head to which the resolution directs the attention of your committee, and which they will now proceed to investigate.

Among the circumstances which have contributed to the great increase of Executive patronage of late, the most prominent, doubtless, are the great increase of the expenditure of the Government, which, within the last eight years (from 1825 to 1833), has risen from $11,490 460 to $22,713,755, not including payments on account of the public debt; a corresponding increase of officers, agents, contractors, and others, dependent on the Government; the vast quantity of land to which the Indian title has, in the same period, been extinguished, and which has been suddenly thrown into the market, accompanied with the patronage incident to holding Indian treaties, and removing the Indians to the west of the Mississippi, and also a great increase of the number and influence of surveyors, receivers, registers, and others employed in the branch of the administration connected with the public lands; all of which have greatly increased the influence of Executive patronage over an extensive region, and that the most growing and flourishing portion of the Union. In this connection, the recent practice of the Government must be taken into estimate, of reserving to individual Indians a large portion of the best land of the country, to which the title of the nation is extinguished, to be disposed of under the sanction of the Executive, on the recommendation of agents appointed solely by him, and which has prevailed to so great an extent of late, especially in the south-western section of the Union.

It is difficult to imagine a device better calculated to augment the patronage of the Executive, and, with it, to give rise to speculations calculated to deprave and corrupt the community, without benefit to the Indians. But as greatly as these causes have added to the force of patronage of late,

there are others of a different nature, which have contributed to give it a far greater and more dangerous influence. At the head of these should be placed the practice so greatly extended, if not for the first time introduced, of removing from office persons well qualified, and who have faithfully performed their duty, in order to fill their places with those who are recommended on the ground that they belong to the party in power.

Your committee feel that they are touching ground which may be considered of a party character, and which, were it possible consistently with the discharge of their duty, they would wholly avoid, as their object is to inquire into facts only, as contributing to increase the patronage of the Executive, without looking to intention, or desiring to cast censure on those in power; but while they would cautiously avoid any remark of a party character, as inconsistent with the gravity of the subject, and incompatible with the intention of the Senate in directing the inquiry, they trust that they are incapable of shrinking from the performance of the important and solemn duty confided to them, of thoroughly investigating to the bottom a subject involving, as they believe, the fate of our political institutions and the liberty of the country, by declining to investigate, fully and freely, as regards its character and consequence, every measure or practice of the Government connected with the inquiry, whether it has or has not been a subject of party controversy.

In speaking of the practice of removing from office on party ground as of recent date, and, of course, comprehended under the causes which have, of late, contributed to the increase of Executive patronage, your committee are aware that cases of such removals may be found in the early stages of the Government; but they are so few, and exercised so little influence, that they may be said to constitute instances rather than as forming a practice. It is only within the last few years that removals from office have been introduced as a

system; and for the first time, an opportunity has been afforded of testing the tendency of the practice, and witnessing the mighty increase which it has given to the force of Executive patronage; and the entire and fearful change, in conjunction with other causes, it is effecting in the character of our political system. Nor will it require much reflection to perceive in what manner it contributes to increase so vastly the extent of Executive patronage.

So long as offices were considered as public trusts, to be conferred on the honest, the faithful, and capable, for the common good, and not for the benefit or gain of the incumbent or his party; and so long as it was the practice of the Government to continue in office those who faithfully performed their duties, its patronage, in point of fact, was limited to the mere power of nominating to accidental vacancies or to newly-created offices, and could, of course, exercise but a moderate influence, either over the body of the community, or of the office-holders themselves; but when this practice was reversed—when offices, instead of being considered as public trusts, to be conferred on the deserving, were regarded as the spoils of victory, to be bestowed as rewards for partisan services, without respect to merit; when it came to be understood that all who hold office hold by the tenure of partisan zeal and party service, it is easy to see that the certain, direct, and inevitable tendency of such a state of things is to convert the entire body of those in office into corrupt and supple instruments of power, and to raise up a host of hungry, greedy, and subservient partisans, ready for every service, however base and corrupt. Were a premium offered for the best means of extending to the utmost the power of patronage; to destroy the love of country, and to substitute a spirit of subserviency and man-worship; to encourage vice and discourage virtue; and, in a word, to prepare for the subversion of liberty and the establishment of despotism, no scheme more perfect could be devised; and such must be the tend-

ency of the practice, with whatever intention adopted, or to whatever extent pursued.

As connected with this portion of the inquiry, your committee cannot avoid adverting to the practice, similar in its character and tendency, growing out of the act of the 15th of May, 1820, which provides, among other things, that, from and after its passage, all district attorneys, collectors, and other disbursing officers therein mentioned, to be appointed under the laws of the United States, shall be appointed for the term of four years. The object of Congress in passing this act was, doubtless, to enforce a more faithful performance of duty on the part of the disbursing officers, by withholding reappointments from those who had not faithfully discharged their duty, without intending to reject those who had. At first, the practice conformed to the intention of the law, and thereby the good intended was accomplished, without materially increasing the patronage of the Executive; but a very great change has followed, which has, in the opinion of your committee, defeated the object of the act, and, at the same time, added greatly to the influence of patronage. Faithful performance of duty no longer insures a renewal of appointment. The consequence is inevitable; a feeling of dependence on the Executive, on the part of the incumbent, increasing as his term approaches its end, with a great increase of the number of those who desire his place, followed by an active competition between the occupant and those who seek his place, accompanied by all those acts of compliance and subserviency by which power is conciliated; and, of course, with a corresponding increase of the number of those influenced by the Executive will.

In enumerating the causes which have, of late, increased Executive patronage, your committee cannot, without a dereliction of duty, pass over one of very recent origin, although they are aware that it is almost impossible to allude to it, in the most delicate manner, without exciting feelings of a party

character, which they are sincerely anxious to avoid; they refer to the increased power which late events have given to the Executive over the public funds, and, with it, the currency of the country.

In considering this part of the subject of their inquiry, it is the intention of the committee to confine themselves exclusively to the tendency of the events to which they refer as increasing Executive patronage, avoiding all allusion to motives, or to the legality of the acts in question.

Whatever diversity of opinion may exist as to the expediency or the legality of removing the deposits, there can, it is supposed, be none as to the fact that the removal has, as things now stand, increased the power and patronage of the Executive in reference to the public funds. They are now, in point of fact, under his sole and unlimited control; and may, at his pleasure, be withdrawn from the banks where he has ordered them to be deposited, be placed in other banks, or in the custody of whomsoever he may choose to select, without limitation or restriction; and must continue subject to his sole will, till placed, by an act of Congress, under the custody of the laws. Whether any provision can be devised which would place them as much beyond the control of the Executive in their present as they were in their former place of deposit, and which, at the same time, would not endanger their safety, are points on which your committee do not deem it necessary to venture an opinion. What addition this unlimited control over the public funds, from the time of their collection till that of their disbursement, makes to the patronage of the Executive, is difficult to estimate. According to the report of the Secretary of the Treasury, the amount of the public funds in deposit on the 1st of January, 1834, was $11,702,905; and their estimated amount, on the 31st of December last, was $8,695,981; making an average amount for the year of $10,199,443, the use of which, considering the permanency

of the deposits, may be estimated as not of less value to the banks in which they were deposited than four per cent.; making, at that rate, on the average amount in deposit, the sum of $407,977 per annum. This immense gain to these powerful and influential monopolies depends upon the will and pleasure of the Executive, and must give him a corresponding control over them. But this, of itself, affords a very imperfect view of the extent of his patronage, dependent on his control over the public deposits. To ascertain its full extent, the advantages which these banks have, in consequence of the deposits, in circulating their notes and in dealing in exchanges, and the competition which it must excite among the banks, generally, to supplant each other in these advantages, and, of course, in Executive favor, on which they depend, and which must tend to create, on their part, a universal spirit of dependence and subserviency,—the means which the deposits necessarily afford to raise or depress at pleasure the value of the stock of this or that bank,—and the wide field which is consequently opened to the initiated partisans of power for the accumulation of fortunes by speculations in bank stock,—the facility which all these causes combined must give to political favorites in obtaining bank accommodations,—and, finally, the control which the accompanying power of designating the notes of what banks may, and may not, be received in the public dues,—gives to the Executive over these institutions, must be taken into the estimate, to form a correct opinion of the full force of this tremendous engine of power and influence, wielded, as things now stand, by the will of a single individual.

Your committee have now enumerated the principal causes which have, of late, contributed to increase so greatly the patronage of the Executive. There are others still remaining to be noticed, which have greatly contributed to this increase, and which claim the most serious consideration;

but, as they are of an incidental character, it is proposed to consider them in their proper connection, in a subsequent part of this report. Having completed, under its proper head, the inquiry as to the extent of Executive patronage, and the cause of its recent increase, your committee will next proceed to investigate the deeply interesting questions of the expediency and practicability of its reduction.

In considering the question of the expediency of its reduction, your committee do not deem it necessary to enter into an elaborate argument to prove that patronage, at best, is but a necessary evil; that its tendency, where it is not effectually checked and regulated, is to debase and corrupt the community; and that it is, of course, a fundamental maxim in all States having free and popular institutions, that no more should be tolerated than is necessary to maintain the proper efficacy of government. How little this principle, so essential to the preservation of liberty in popular governments, has been respected under ours, the view which has already been presented of the vast extent to which patronage has already attained under this Government, and its rapid growth, but too clearly demonstrate. But as great and as rapid as has been its growth, it may be thought by some who have not duly reflected upon the subject, that it is not more than sufficient to maintain the Government in its proper efficiency, and that it cannot be diminished without exposing our institutions to the danger of weakness and anarchy. To demonstrate the utter fallacy of such a supposition, it is only necessary to compare the present with the past, in reference to the point under consideration.

No one capable of judging will venture to assert that the patronage of the Executive branch of this Government, in any stage of its existence, from the time it went fairly into operation, has ever proved deficient in proper influence and control; yet, if the present be compared with any past period of our history, excluding, of course, that of the late war, the

patronage now under the control of the Executive will be found greatly to exceed that of any former period. To illustrate the truth of this remark, your committee will select, for comparison, the years 1825 and 1833: the former, because it was thought, even then, by many of the most experienced and reflecting of our citizens, that Executive patronage had attained a dangerous extent; and the latter, because it is the latest period of which we have the requisite materials to make the comparison. What, then, is the comparative extent of Executive patronage, respectively, with the short interval of but eight years between them? what, at these respective periods, was the amount of the revenue and expenditure? what the number of persons in the employ of the Government, or dependent on its bounty? and what the extent to which, according to the practice of the respective periods, the patronage of the Government was brought to exert over those subject to its control? A short comparative statement will show.

The income of the Government, in all its branches, including the post-office, was, in 1825, $28,147,383; and in 1833, $36,667,274. The gross expenditures, including the public debt, in 1825, was $24,814,847; in 1833, $27,229,389. Excluding the public debt, it was, in 1825, $12,719,503; in 1833, $25,685,846. The number of persons employed, and living on the bounty of the Government, in 1825, 55,777; in 1833, 100,079.

Measuring the extent of the patronage, at these respective periods, by these elements combined,—without taking into consideration the circumstances which, as already shown, have in this short period given such increased force to Executive patronage,—the result of the whole, in 1825, compared with 1833, is as 65 to 89,—making an increase of upward of 36 per cent. If the comparative rapidity of this great increase be examined, it will be found that it has had a progressive acceleration throughout the period. If we divide

the period into equal parts of four years each, the increase in the first four years will be found much less than in the last four. The increase, for instance, of the revenue during the first four years, was $4,616,594; and during the last four, $4,906,026; of the expenditures during the first four, $1,873,675; and during the last four, $9,313,340.

It may be said that this increase of patronage, great as it is, does not materially exceed the growth and population of the country, with which it is assumed that it ought to keep pace. This view overlooks entirely the increase of patronage from those circumstances which have so much increased it during the period in question, as has already been shown. If these be taken into consideration;—if to the increase of revenue and expenditure, and the number dependent on Government, we add the vast increase of Executive patronage from the immense public domain recently thrown into market, the great extent of Indian reservations, the control which the practice of removal has established over those in office, and the great addition to Executive power over the public funds, and, through this, over the banking institutions of the country,—it cannot be doubted that, instead of increasing only 36 per cent., it has more than doubled in the period in question, while the growth and population of the country have probably not exceeded 24 per cent.

But your committee cannot agree that there is any substantial reason why Executive patronage should increase in the same proportion with the growth and population of the country. With the exception of the post-office establishment, there is no necessary connection between the increasing growth and population of the country and the increasing patronage of the Government. On the contrary, many of the public establishments are, or ought to be, stationary; others on the decrease; others, though necessarily increasing, increase at a rate far less than our population; and yet we find that, for the last eight years, there has been a progressive increase of patron-

age far greater than the growth and population of the country.

But the assumption that Executive patronage and influence should increase in the same ratio with the growth and population of the country, is not less dangerous than it is erroneous. If this assumption be carried out in practice, it must finally prove fatal to our institutions and liberty. The same amount of patronage and influence, in proportion to the extent and population of a country, which, in a small State moderately populous, would be perfectly safe, might prove fatal in an extensive and populous community; just as a much smaller military force, in proportion, would hold under subjection the latter than the former. The principle is the same in both cases: the great advantage which an organized body, such as a government or an army, has over an unorganized mass—an advantage increasing with the increased difficulty of concert and co-operation; and this, again, increasing with the number and dispersion of those on whose concert and co-operation resistance depends; and hence, from their combined action, both as applied to the civil and military, the great advantage which power has over liberty in large and populous countries—an advantage so great that it is utterly impossible in such countries to defend the latter against the former, unless aided by a highly artificial political organization such as ours, based on local and geographical interests. If to this difficulty, resulting from numbers and extent only, there be added others of a most formidable character,—the greater capacity, in proportion, on the part of the government, in large communities, to seize on and corrupt all the organs of public opinion, and thus to delude and impose on the people; the greater tendency in such communities to the formation of parties on local and separate interests, resting on opposing and conflicting principles, with separate and rival leaders at the head of each, and the great difficulty of combining such parties in any system of resist-

ance against the common danger from the government,—some conception may be formed of the vast superiority which that organized and central party, consisting of office-holders and office-seekers, with their dependants, forming one compact, disciplined corps, wielded by a single individual, without conflict of opinion within, either as to policy or principle, and aiming at the single object of retaining and perpetuating power in their own ranks,—must have, in such a country as ours, over the people—a superiority so decisive, that it may be safely asserted that, whenever the patronage and influence of the government are sufficiently strong to form such a party, liberty, without a speedy reform, must inevitably be lost. When we add that this great advantage of the government over the people,—of power over liberty,—must increase proportionately with the growth and population of our country, it must be apparent how fatal would be the assumption, if acted on, that patronage and influence should increase in the same proportion; and how infinitely dangerous has been the tendency of our affairs of late, when, as has been shown, instead of increasing simply in the same proportion, they have advanced with a rapidity more than double. So far is the assumption from being true, if we regard the duration of our institutions and the preservation of our liberty, we must hold it as a fundamental maxim, that the action of the Government should, with our growth, gradually become more moderate instead of more intense: a maxim resting on principles deep and irreversible, and which cannot be violated without inevitable destruction. Moderation in the action of this Government,—the great central power of our system,—is, in fact, the condition on which our political existence depends; and, in acting in conformity, it but conforms to the principle which Divine wisdom has impressed upon the beautiful and sublime system of which our globe is a part, and in which the great mass that gives life, and harmony,

and action to the whole, reposes almost motionless in the centre.

Your committee are aware that, since 1833, there has been a very considerable decrease of revenue, under the act of March 2d, 1833, known as the Compromise Law, with other preceding acts, in consequence of the payment of the public debt, which would very considerably affect the comparison, if the year 1834, instead of 1833, had been selected; and they have to express their regret that the want of full and accurate materials for the former year prevents them from furnishing a statement which, while it would show the decrease, would also show how little the final discharge of the public debt has contributed to diminish either the public expenditure or the patronage of the Executive: facts of no small moment, as connected with the subject of inquiry. The deep interest which the enlightened and patriotic took in that great event, was not to indulge in the idle boast that the country was free from debt, but that it would, as they believed, be necessarily followed by the substantial blessing of reducing the public burdens, and, with it, the patronage of the Government; and thus, while it relieved industry, it would, at the same time, strengthen liberty against power. Thus far, these anticipations have been but very imperfectly, if at all, realized. As great as has been the reduction of the revenue, it is still as great as it was when the debt exceeded more than $100,000,000; and, what is more to the point, what conclusively shows how much easier it is to discharge a public debt than to obtain the corresponding benefits,—a proportionate diminution of the public expenditure,—is the fact, that, now, when we are free from all debt, the public expenditure is as great as it was when the debt was most burdensome to the country. The only difference is, that then the money went to the public creditors, but now goes into the pockets of those who live on the Government, with great addition to the patronage and influence of

the Executive, but without diminution of burden to the people.

Your committee will next proceed to inquire what has been the effect of this great, growing, and excessive patronage, on our political condition and prospects: a question of the utmost importance in deciding on the expediency of its reduction. Has it tended to strengthen our political institutions, and to give a stronger assurance of perpetuating them, and, with them, the blessings of liberty to our posterity? Has it purified the public and political morals of our country, and strengthened the feeling of patriotism? Or, on the other hand, has it tended to sap the foundation of our institutions; to throw a cloud of uncertainty over the future; to degrade and corrupt the public morals; and to substitute devotion and subserviency to power, in the place of that disinterested and noble attachment to principles and country, which are essential to the preservation of free institutions? These are the questions to be decided; and it is with profound regret that your committee are constrained, however painful, to say that the decision admits of little doubt. They are compelled to admit the fact, that there never has been a period, from the foundation of the Government, when there were such general apprehensions and doubts as to the permanency and success of our political institutions; when the prospect of perpetuating them, and, with them, our liberty, appeared so uncertain; when public and political morals were more depressed; when attachment to country and principles were more feeble, and devotion to party and power stronger: for the truth of all which they appeal to the observation and reflections of the experienced and enlightened of all parties. If we turn our eyes to the Government, we shall find that, with this increase of patronage, the entire character and structure of the Government itself is undergoing a great and fearful change, which, if not arrested, must, at no distant period, concentrate all its power in a single department.

Your committee are aware that, in a country of such vast extent and diversity of interests as ours, a strong Executive is necessary; and, among other reasons, in order to sustain the Government, by its influence, against the local feelings and interests which it must, in the execution of its duties, necessarily encounter; and it was doubtless with this view mainly that the framers of the Constitution vested the Executive powers in a single individual, and clothed him with the almost entire patronage of the Government. As long as the patronage of the Executive is so moderate as to compel him to identify his administration with the public interest, and to hold his patronage subordinate to the principles and measures necessary to promote the common good, the Executive power may be said to act within the sphere assigned to it by the Constitution, and may be considered as essential to the steady and equal operation of the Government; but when it becomes so strong as to be capable of sustaining itself by its influence alone, unconnected with any system of measures or policy, it is the certain indication of the near approach of irresponsible and despotic power. When it attains that point, it will be difficult to find any where in our system a power sufficient to restrain its progress to despotism. The very causes which render a strong Executive necessary,—the great extent of country and diversity of interests,—will form great and almost insuperable impediments to any effectual resistance. Each section, as has been shown, will have its own party and its own favorites, entertaining views of principles and policy so different as to render a united effort against Executive power almost impossible; while their separate and disjointed efforts must prove impotent against a power far stronger than either, taken separately: nor can the aid of the States be successfully invoked to arrest the progress to despotism. So far from weakening, they will add strength to Executive patronage. A majority of the States, instead of opposing, will be usually found acting in concert with the

Federal Government, and, of course, will increase the influence of the Executive: so that, to ascertain his patronage, the sum-total of the patronage of all the States, acting in conjunction with the federal Executive, must be added to his. The two, as things now stand, constitute a joint force, difficult to be resisted.

Against a danger so formidable, which threatens, if not arrested, and that speedily, to subvert the Constitution, there can be but one effectual remedy: a prompt and decided reduction of Executive patronage; the practicability and means of effecting which, your committee will next proceed to consider.

The first, most simple, and usually the most certain mode of reducing patronage, is to reduce the public income, the prolific source from which it almost exclusively flows. Experience has shown that it is next to impossible to reduce the public expenditure with an overflowing treasury; and not much less difficult to reduce patronage without a reduction of expenditure; or, in other words, that the most simple and effectual mode of retrenching the superfluous expenditure of the Government,—of introducing a spirit of frugality and economy in the administration of public affairs,—of correcting the corruption and abuses of the Government,—and, finally, of arresting the progress of power,—is to leave the money in the pockets of those who made it, where all laws, human and divine, place it, and from which it cannot be removed by Government itself, except for its necessary and indispensable wants, without violation of its highest trust and the most sacred principles of justice. Yet, as manifest as is this truth, such is our peculiar (it may be said extraordinary) situation, that this simple and obvious remedy to excessive patronage,—the reduction of the revenue,—can be applied only to a very limited extent.

But before they proceed to the question of reducing the revenue, your committee propose to show what will be its

probable amount in future, as the laws now stand,—to what limits the public expenditure may be reduced consistently with the just wants of Government,—and, finally, what, with such reduction, will be the probable annual surplus to the year 1842, when the highest duties will be reduced to 20 per cent. under the act of March 2d, 1833 ; and when, as the act provides, the revenue is to be reduced to a sum necessary to an economical administration of the Government.

According to the statement from the Treasury Department, the receipts of the year 1834, from all sources, amounted to $22,584,365 ; of which, customs yielded $16,105,372 ; land, $5,020,940 ; the residue being made up of bank dividends and incidental items ; and the question now for consideration is,—What will be the probable annual receipts from all sources during the next seven years, if the income, as has just been stated, is to be reduced to the economical wants of the Government ? a question which, from its nature, can only be answered by probable estimates and conjectures, and which, in this case, is the more difficult to be answered from a defect of data in reference to the customs, the principal source of revenue. The changes in the rates of duties have been so great latterly, and the period so recent since the laws, as they now stand, commenced operation, that it is impracticable to resort to those average results, deduced from long periods, by which only the temporary changes and fluctuations of commerce can be detected, and its habitual current ascertained and subjected to calculation. The act of the 2d of March, 1833, which made the last change, and on the provisions of which the estimates of the income from the customs for the period in question must be based, commenced its operation on the 1st of January, 1834, and we, of course, have the result of but a single year. From a statement furnished by the Treasury Department, it seems that the domestic exports of that year amounted, in round numbers, to eighty millions of dollars, and the imports, given

in round numbers (as all the subsequent statements are), to $125,500,000; of which $23,000,000 were reshipped, leaving $102,500,000 for the consumption and use of the country,—of which $55,000,000 were of articles free of duty, and $47,000,000 of those liable to duties; that the gross receipts amounted to $15,572,448, and the net to $14,222,448, leaving $1,350,000 as the expense of collection; that the reduction of one tenth of the duties above 20 per cent. ad valorem every two years, according to the provisions of the act of 2d of March, 1833, amounted to $850,000.

As scanty as are these data, it is believed it may be safely anticipated that the average annual income of the period in question will be equal, at least, to the income of the last year. Instead of entering into all the details through which your committee have come to this conclusion, which would swell this Report to an unwieldy size, they will content themselves with simply giving the results of the causes which, as far as can be foreseen, may either increase or diminish the receipts of the customs for the next seven years as compared with the past year, accompanied by a statement of their probable effects in the aggregate.

It will, however, be previously necessary to inquire whether the receipts from the customs during the last year, in fact, equalled the amount which the commercial transactions of the year, under ordinary circumstances, ought to have produced. It is not possible, in such an inquiry, to overlook the very unusual importation of the precious metals during the year, which, according to the statements from the Treasury Department, amounted to $16,572,582,—constituting, to that amount, a part of the articles imported in the year free of duty. The reshipment for the same period amounted to $1,676,208, leaving in the country, of the amount imported, $14,896,374: a sum greatly exceeding our annual consumption, which, in addition to the supplies from our own mines, probably falls short of $2,000,000.

The excess was doubtless caused by the peculiar condition of the country, in reference to its currency, during the year; and would, under ordinary circumstances, have been imported in goods of various descriptions for the usual supply of the country, instead of gold and silver. Subtracting, then, the two millions from this sum, and the balance from the amount of the articles free of duty, which, as stated, is $55,000,000, it would reduce the annual consumption of goods free of duty, including the precious metals, to $42,103,626; and assuming the proportion between goods free of duty, and those liable to duty, to be as that sum is to $47,000,000; and, also, that the excess of the supply of gold and silver imported during the year would, under ordinary circumstances, have returned in that proportion between the dutied and the free articles, it would add to the former $7,133,313, and, of course, increase the receipts from the customs in the same proportion; that is, it would make an addition to them of $2,150,000, and would have raised the receipts from customs during the year from $14,220,000 to $16,370,000; which last, it is believed may be assumed, at the present rate of the duties, as the probable receipts, under ordinary circumstances, of an export and import trade equal to that of the last year.

Let us now inquire into the causes which may tend to diminish or increase this estimated receipt during the next seven years, and their probable effects, in the aggregate, on the income from the customs.

The only cause, as is believed, that will tend to diminish the amount, as far as can now be foreseen, is the gradual reduction of one tenth every two years, under the act of the 2d of March, 1833, till the year 1841, as has been stated. It will be seen, by reference to the statement from the Treasury already given, that this reduction last year, on an importation of $47,000,000 of dutiable articles, amounted to $850,000. If, however, instead of that amount, the importa-

tion of such articles had been $54,133,000, as it is assumed they would have been had not the derangement of the currency prevented, the reduction on account of the one tenth would have increased in the same proportion, and have, of course, amounted to $975,000.

Against this increased reduction there must be set off a probable gradual increase of the domestic exports of the country; and with them, as a necessary consequence, a corresponding increase of the imports,—and with them the receipts from the customs. If we take the last six years, from 1828 to 1834, the last included, the average annual increase of domestic exports in the period is nearly $5,000,000, of which the increase in 1833 was $7,200,000, and in 1834, $9,600,000, making in the last two years an average increase of $8,800,000: thus showing a much more rapid increase at the end than at the beginning of the series. If to this fact we add the effect which the decrease of duties under the act of the 2d of March, 1833, must have on the exports, the growing demand for the great staples of the country, and the vast amount of fertile and fresh lands brought into market within the last five years in the region most congenial to the growth of cotton, it is believed that it may be safely assumed the average annual increase of our domestic exports for the next seven years will, at least, equal $6,000,000. This increase must be followed by a corresponding increase of imports, and with them, as stated, of the receipts from the customs. Assuming that the proportion between the free and dutied articles, in consequence of this increase of imports, will be as has been estimated, it will add to the receipts from the customs an annual increase of $1,000,000, from which, however, must be deducted $59,000 on account of the biennial reduction of one tenth, which would reduce the increase to $941,000. If this be deducted from the average reduction of one tenth, as above ascertained, we shall have, taking the two causes together,—the increase of the customs

from increased imports, and the decrease from the biennial reduction of one tenth,—a decrease of revenue equal to $34,000 annually: making, in seven years, $238,000.

But it must be taken into the estimate, that the increase of revenue from the increase of exports is annually added, while the reduction on account of the one tenth is biennially. Taking this into the estimate, the increase of revenue on account of the increase of the exports over the decrease, on account of the biennial reduction of one tenth, will in the seven years equal $3,298,500; from which take $238,000, and it will leave an aggregate increase over the decrease of $3,060,500.

This conclusion, however, rests on the assumption that the proportion between the free and dutied articles will remain during the period the same as is estimated for last year; but it is probable that the reduction of the price of the free articles, in consequence of the repeal of the duties, will greatly increase their consumption, and, of course, have a corresponding effect in reducing the amount of the dutiable articles, and, with them, the receipts into the Treasury. It is, however believed to be a safe estimate, that the reduction of the receipts from this cause will be more than counterbalanced by the excess of the increase of income from the increase of exports over the reduction of one tenth biennially, as has been shown; and that it may, therefore, be assumed with reasonable confidence, if no untoward event should intervene, that the average annual receipts from the customs will be equal to the sum of $16,370,000,—the sum which the commerce of last year ought to have yielded, as has been shown, under ordinary circumstances.

Your committee will next inquire what will be the probable amount of receipts from the public lands during the period in question. The receipts from that source during the last year, according to a statement from the Treasury, equalled $5,020,940. This, however, perhaps greatly exceeds

the permanent receipts from that source, as it was caused, probably, by the great quantity of rich and valuable land thrown into the market during the year. The receipts of 1833 equalled $3,967,682, and those of the last four years averaged $3,705,405. If we take into consideration, with these facts, the rapid increase of our population,—the steady rise in landed property generally,—the vast quantity of lands held by the Government,—it is believed to be a safe estimate, that the average annual income from this source, during the period in question, will be at least equal to $3,500,000.

Of the remaining sources of revenue, the bank dividends is the only one that requires notice. They amounted in 1833 to $450,000 ;* and it is probable that they will give an equal annual income till the expiration of its charter, in 1836, after which time there will be a reduction from the income of the Government equal to the annual dividends; but it is believed, by those who are most familiar with the subject, that a retrenchment in the collection of the customs, by a reformation of that branch of the administration, may be effected, at least equal to this reduction. It cost the Government the last year $1,350,000 to collect $14,222,448, which is more than equal to nine per cent.: a rate, considering the facility of collecting this branch of the revenue, and the decreased inducement to elude their payment in consequence of the great reduction in the rate of duties, altogether extravagant.

If these calculations should prove correct, the average income of the Government for the next seven years, not including incidental items, will equal $20,320,000, making in the whole period the aggregate sum of $142,240,000 ; to which, if we had the residue of the Government stock in the United States Bank, amounting to $6,343,400, and which

* The amount of dividends for 1834 could not be obtained from the Treasury.

must be paid into the Treasury at the expiration of its charter, and the surplus in the Treasury on the 31st of December last, which, after deducting $2,000,000, will amount to $6,695,981, it will give an aggregate sum of $148,679,381 ; which, divided by seven, will make the average annual sum, subject to the disposition of the Government for the next seven years, amount to $21,239,911.

Such being the probable average annual income and means of the Government for the seven ensuing years, the next question which presents itself for consideration is,—What ought to be the average expenditure for the same period?

The expenditure for the year 1834, as taken from the annual report of the Secretary of the Treasury, equals $19,430,373, and for the preceding year $22,713,753 ; deducting in both cases the payments on account of the public debt. Your committee are, however, of the opinion, that these amounts far exceed what ought to be the expenditure on a just and economical scale, and that it may be very greatly reduced without injury to the public service. They are also of opinion, that to this great and extravagant expenditure may be attributed, in no small degree, the disease which now threatens so seriously the body politic. That a just conception may be formed of this extraordinary increase, they have annexed a table of expenditures from the year 1823 to 1833,—deducting the payment on account of the public debt,—by which it appears that, in this short period of ten years, the expenditure has risen from $9,784,000 to $22,713,000,—being an increase in the latter over the former of almost $3,000,000 beyond the whole expenditure of the Government in 1823, excluding, as stated, the public debt ; and this, too, during a period of profound peace, when not an event had occurred calculated to warrant any unusual expenditure. Of this enormous increase the greater part occurred in the last three years, in which time the expenditure

has risen nearly $9,000,000, which may well account for the present dangerous symptoms.

Your committee have not time to give that minute attention to the expenditures necessary to determine what particular items can or ought to be retrenched; nor do they deem it important, at present, to enter into so laborious an inquiry, even if time allowed. It is sufficient for their purpose to assume that the expenditures of 1823 were, at the time, considered ample to meet all the just wants of the Government; and that, so far from being a period distinguished by parsimony, the then administration was thought, by many, to be unreasonably profuse, and was, accordingly, the object of systematic attacks on account of its supposed extravagance. Assuming, then, the expenditure of $9,784,000 to have been ample at that period, the question which presents itself is,—What ought it to be at present, taking into consideration the necessity of increased expenditures in consequence of increased population?

They have already shown that the Government cannot bear a permanent increase of expenditure in proportion to the growth of the population, which may be estimated at about three per cent., without an increase of patronage which must, in its progress, inevitably prove fatal to the institutions and liberty of the country. On this principle, the expenditure, instead of increasing nearly thirteen millions in ten years, as it has, ought to have increased much less than three, and ought not, in the opinion of your committee, to have exceeded two millions at the farthest. Assuming that sum as a liberal allowance, and adding it to the expenditure of 1823, we shall have the sum of $11,784,000, beyond which the present expenditure ought not to have passed, including the pensions; and, excluding them, $10,012,412, instead of $22,713,000, the sum actually expended.

But it is believed that this sum will very considerably exceed, on the basis assumed, what ought to be the average

annual expenditure for the next seven years. Of the items which compose the present expenditure, that for pensions constituted, last year, the sum of $3,341,877. Considering the advanced age of the pensioners, there ought to be, according to the annuity tables, a decrease by deaths of fourteen per cent. annually; which, in seven years, would diminish the expenditure for pensions, from the sum above mentioned, to $1,040,802 annually, giving an annual average deduction of $328,725,—and would reduce the expenditure on pensions for the ensuing seven years to an average sum of $2,048,000. Add this sum to $10,012,412, the sum beyond which the present expenditure ought not to extend, excluding the pensions, and we shall have $12,060,412, as what the annual average expenditure for the next seven years ought to be.

Take this from the sum of $21,239,911, which, as has been shown, will be the probable average annual means of the Government for the same period, and it would leave $9,179,499 ; or, in round numbers, for the facility of calculation, nine millions, as the average surplus means during the period at the disposition of the Government, on the supposition that the expenditures will be reduced to the economical wants of the Government.

Having shown what will be the probable surplus revenue should the expenditure be reduced to its proper limits, the committee propose next to consider whether, under existing circumstances, the revenue can be reduced.

The two great sources of revenue are lands and customs. The others (not including the post-office, which is a particular fund) are of small amount. After a careful investigation, your committee are of opinion that the act of 2d of March, 1833, has reduced the duties on imports, with some exceptions, as far as is practicable, under existing circumstances, consistently with the intent and spirit of the act.

The act provides, among other things, that after the 31st

day of December, 1833. In all cases where the duties shall exceed twenty per cent. ad valorem, one tenth part of such excess shall be reduced, and, in like manner, one tenth part every two years, till the 31st of December, 1839; and that, on the 31st of December, 1841, one half of the residue of such excess shall be deducted: and on the 30th of June, 1842, the residue. It also provides that, till the 30th of June, 1842, the duties imposed by the then existing law shall remain unchanged, except as provided in the sixth section.

Your committee do not deem it necessary to inquire whether the circumstances under which it passed involves any thing in the nature of a pledge or contract, which would forbid any alterations of its provisions. It is sufficient for their purpose to state the fact, that the act is the result of a compromise between great sectional interests, brought into conflict under circumstances which threatened the peace and safety of the country; and that it continues to be the only ground on which the adjustment of the controversy can stand. Under these circumstances, to disregard the provisions of the act would be to open a controversy which your committee hope is closed for ever: a controversy which, if renewed, would do more to increase the power and influence of the Executive than any other event that could occur. With the impression, then, that the provisions of the act cannot be disturbed without endangering the peace of the country, and adding greatly, by its consequences, to Executive patronage, your committee have limited their inquiries to the reduction of the duties on such articles as, by the provisions of the act, are subject to be reduced; and, after a careful investigation, they are of the opinion that all the reductions which can be effected, consistently with the spirit of the compromise, are inconsiderable; and that, to make those that might be made, would require too much time and investigation to permit it to be done at this session, as will appear by a reference to the

letter of the Secretary of the Treasury, herewith annexed; but, in order that the subject may be taken up with full information at the next session, they have instructed their chairman to submit a resolution for the consideration of the Senate, directing the Secretary of the Treasury to report, at the commencement of the next session, what duties under twenty per cent. ad valorem may, with a due regard to the manufacturing interests of the country, be repealed or reduced, with an estimate of the probable amount of the reduction.

In turning from the customs to the public lands, your committee find that the difficulty of reducing the revenue from that source is not less considerable than from that of the customs. They fully agree in that liberal policy in relation to the public lands which regards them as the means of settlement, as well as a source of revenue; and that they should be disposed of, accordingly, in the manner best calculated to diffuse a flourishing and happy population over the vast regions placed under our dominion; a policy, the wisdom of which is best illustrated by the wonderful success with which it has been accomplished. It is an essential maxim of this noble and generous policy, that the price of the public lands should be fixed so low as to be accessible to the great mass of the citizens, and, at the same time, so high as not to subject them to the monopoly of the great capitalists of the country. Your committee are of opinion that this happy medium is attained by the present price; and, judging from many indications of late, that no considerable reduction can be made in the price without making them the prey of hungry and voracious speculators and monopolists, to the great injury of the honest and industrious portion of the community, as well as to the portion of the country where the lands may be situated. Be this, however, as it may, it is at least certain that the immediate effect of reduction would be to in-

crease rather than diminish the revenue from lands, and, of course, to augment instead of reducing the public income.

To this may be added another, and, under ordinary circumstances, conclusive objection against the reduction.

The reduction of the price of public lands, while it would act, in effect, as a bounty to the purchasers from the Government, by enabling them to acquire more land for the same sum of money, would act, at the same time, as a tax upon the entire body of landholders, who constitute the great mass of our population—a tax on them immeasurably greater than the bounty to the purchasers.

The Government of the United States is, in fact, the great land dealer of the country, and, as such, has the power, by raising or reducing the price of its lands, to reduce or raise, in a greater or less degree, the value of lands every where, and, of course, to affect in the same degree the property of the landholders throughout the Union. To what extent any given reduction of the price of public lands would affect the price of lands generally, would be difficult, if not impossible, to ascertain. It would be greater or less, according to the circumstances. The price of land in the adjacent portion of the country, or that from which emigration principally flowed, would be reduced nearly in the same proportion with that of the public lands; that is, if the price of public lands be reduced one half, lands adjacent, or lying in the emigrating portion of the country, would generally fall one half, while the more remote would be less affected, in proportion to distance and the absence of emigration. But it may be safely assumed, taking the whole country, that the actual fall in the value of lands generally, in the hands of the holders, would greatly exceed the actual reduction of the price of public lands. To illustrate: if the price of the latter be reduced one half, which at present would be sixty-two and one half cents per acre, lands generally throughout the country would be reduced in value per acre much more than that sum; and

if the far greater quantity held by the whole body of land proprietors, compared with the quantity sold by the Government, be taken into the estimate, some idea may be formed how great the aggregate loss of the proprietors generally would be, on any reduction of price, compared with the aggregate gain of the purchasers. As great, however, as it must be, none who know the public spirit and enlightened patriotism of that great and respectable portion of our citizens can doubt their cheerful acquiescence in the sacrifice, should the public interest, or the fundamental maxim which ought to govern in the disposition of the public lands, require it; but, otherwise, it would be a plain and palpable sacrifice of one, and that the largest portion of the community, to the other, without a corresponding benefit. In presenting this view, it is not the intention of your committee to offer any opinion on the propriety of a graduated reduction, as a measure of general policy, in the price of such public lands as have remained long in the market unsold, and of which there is no immediate prospect of making sale at the present price, because of their inferior quality. Their case is very distinguishable from that of the great *body of the public* lands; but the immediate effects of such reduction would obviously be to raise instead of reduce the revenue, and would, of course, increase instead of diminish the difficulty under consideration.

Having now shown that no other reduction of the revenue can be effected, under existing circumstances, than the progressive reduction already provided for by the act of March 2d, 1833, in either of the great sources of our public income, with the exception already stated, your committee will next proceed to inquire whether Executive patronage can be reduced by reducing the expenditures of the Government.

The result of their investigation on this point is, that, for reasons which will hereafter be offered, a reduction of expenditure, under existing circumstances, would tend to in-

crease instead of reducing Executive patronage. But if it were otherwise, it would be found utterly impracticable, for reasons already assigned, to reduce the expenditure much below the income. Experience has abundantly proved that, so long as there is a large surplus in the Treasury, the interests in favor of its expenditure will ever be stronger than that opposed to it; and that no prudential consideration, arising from the necessity of accumulating funds to meet future wants, or the hazard of enlarging Executive patronage, or the danger of corrupting the political and public morals of the country by useless and profuse expenditure, or any other whatever, is sufficient to resist the temptation to expend. If one unworthy object of appropriation is defeated, another, with no greater claims on the public bounty or justice, will ever stand ready to urge its claims, till the frugal and patriotic are wearied out with incessant and useless efforts to guard the Treasury. But were it practicable, with an overflowing treasury, to bring the expenditures within proper limits, such is the present condition of things, that, to reduce expenditure would, as has been stated, increase the patronage of the Executive, and that to an extent so great that no object of expenditure can be suggested, having a plausible claim on the justice or bounty of the public, which would tend half so much to increase his patronage as leaving the public money unexpended, to accumulate as surplus revenue in the deposit banks.

To realize the truth of this remark, it must be borne in mind that the deposits are under the exclusive *control* of the Executive; that they are deposited in banks selected by him; that they have the free use of them without compensation to the public; and that they may be continued or dismissed as depositories of the public funds, at the pleasure of the Executive.

With these facts before us, the result must be obvious. To accumulate a permanent surplus revenue in the banks is,

in fact, but to add so much additional bank capital—capital, in this case, exclusively under Executive control, without check or limitation; and, with its increasing amount, daily giving to him a greater control over the deposit banks, and, through them, over the banking institutions of the country generally: thus adding the deep and wide-spread influence of the banks to the already almost overwhelming patronage of the Executive.

As the expenditure cannot be reduced, the next inquiry is, whether some object of general utility, in which every portion of the country has an interest, may not be selected as a fixed and permanent object on which to expend the surplus revenue.

Your committee admit that, if such an object of expenditure could be selected, under a well-regulated system of disbursements established by law, much of the patronage incident to the present loose and unregulated disbursements might be curtailed; but they are at a loss to find such an object. Internal improvement approaches the nearest; but there are opposed to it, with the object in view, insuperable objections. To pass by the formidable difficulty, the long-established diversity of opinion as to its constitutionality, which divides the two great sections of the country, experience has shown that there is no expenditure so little susceptible of being regulated by law; none calculated to excite deeper competition, or to enlist a greater number in its favor, in proportion to the amount expended; and, of course, calculated to add more to Executive patronage. To these an additional objection of a recent origin may be added. Your committee allude to the Executive veto, as applied to internal improvements, the effect of which has been to increase very considerably his power and patronage in reference to this branch of expenditure. The Executive, in his veto message, assumes the ground that internal improvements may or may not be constitutional, according to the nature of each particular object; the distinction

to be determined by him in the exercise of his constitutional function of giving or withholding his approval to acts of Congress; the practical effect of which is to draw within his control the power and influence which appertain, not only to the administration, but also to the enactment of the law; and, of course, to increase in the same degree his influence and patronage in reference to internal improvements.

In making these remarks, the object of your committee is not to call in question the motive of the Executive, or his right to draw what distinction he may think just and right in the exercise of his veto power, or the correctness of the distinctions in reference to the particular subject under consideration; but simply to exhibit the full extent of the objections to selecting it as the subject on which to expend the surplus revenue—objections, in their nature, incapable of being wholly removed even by an amendment of the Constitution, were an amendment practicable.

But if no object of expenditure can be selected on which the surplus can be safely expended, and if neither the revenue nor expenditure can, under existing circumstances, be reduced, the next inquiry is, What is to be done with the surplus? which, as has been shown, will probably equal, on an average, for the next eight years, the sum of $9,000,000 beyond the just wants of the Government: a surplus of which, unless some safe disposition can be made, all other means of reducing the patronage of the Executive must prove ineffectual.

Your committee are deeply sensible of the great difficulty of finding any satisfactory solution of this question; but, believing that the very existence of our institutions, and, with them, the liberty of the country, may depend on the success of their investigation, they have carefully explored the whole ground, and the result of their inquiry is, that but one means has occurred to them holding out any reasonable prospect of

success. A few preliminary remarks will be necessary to explain their views.

Amid all the difficulties of our situation, there is one consolation—that the danger from Executive patronage, as far as it depends on excess of revenue, must be temporary. Assuming that the act of 2d of March, 1833, will be left undisturbed in its provisions, the income, after the year 1842, is to be reduced to the economical wants of the Government. The Government, then, is in a state of passage from one where the revenue is excessive, to another in which, at a fixed and no distant period, it will be reduced to its proper limits. The difficulty, in the intermediate time, is, that the revenue cannot be brought down to the expenditure, nor the expenditure, without great danger, raised to the revenue, for reasons already explained. How is this difficulty to be overcome? It might seem that the simple and natural means would be to vest the surplus in some safe and profitable stock, to accumulate for future use; but the difficulty in such a course will, on examination, be found insuperable.

At the very commencement, in selecting the stock, there would be great, if not insurmountable difficulties. No one would think of investing the surplus in bank stock, against which there are so many, and such decisive reasons, that it is not deemed necessary to state them; nor would the objections be less decisive against vesting in the stock of the States, which would create the dangerous relation of debtor and creditor between the Government and the members of the Union. But suppose this difficulty surmounted, and that some stock, perfectly safe, was selected, there would still remain another that could not be surmounted. There cannot be found a stock with an interest in its favor sufficiently strong to compete with the interests which, with a large surplus revenue, will ever be found in favor of expenditures. It must be perfectly obvious to all who have the least experience, or who will duly reflect on the subject, that, were a

fund selected in which to vest the surplus revenue for future use, there would be found in practice a constant conflict between the interest in favor of some local or favorite scheme of expenditure, and that in favor of the stock. Nor can it be less obvious that, in point of fact, the former would prove far stronger than the latter. The result is obvious. The surplus, be it ever so great, would be absorbed by appropriations instead of being vested in the stock, and the scheme, of course, would, in practice, prove an abortion; which brings us back to the original inquiry, How is the surplus to be disposed of until the excess shall be reduced to the just and economical wants of the Government?

After bestowing on this question, on the successful solution of which so much depends, the most deliberate attention, your committee, as they have already stated, can advise but one means by which it can be effected; and that is an amendment of the Constitution, authorizing the temporary distribution of the surplus revenue among the States till the year 1843, when, as has been shown, the income and expenditure will be equalized.

Your committee are fully aware of the many and fatal objections to the distribution of the surplus revenue among the States, considered as a part of the ordinary and regular system of this Government. They admit them to be as great as can be well imagined. The proposition itself, that the Government should collect money for the *purpose of such distribution*, or should distribute a surplus for the purpose of *perpetuating taxes*, is too absurd to require refutation; and yet what would be, when applied, as supposed, so absurd and pernicious, is, in the opinion of your committee, in the present extraordinary and deeply-disordered state of our affairs, not only useful and salutary, but indispensable to the restoration of the body politic to a sound condition: just as some potent medicine, which it would be dangerous and absurd to prescribe to the healthy, may, to the diseased, be the only

means of arresting the hand of death. Distribution, as proposed, is not for the preposterous and dangerous purpose of raising a revenue for distribution, or of distributing the surplus as a means of perpetuating a system of duties or taxes, but a temporary measure to dispose of an unavoidable surplus while the revenue is in the course of reduction, and which cannot be otherwise disposed of without greatly aggravating a disease that threatens the most dangerous consequences; and which holds out hope, not only of arresting its farther progress, but also of restoring the body politic to a state of health and vigor. The truth of this assertion a few observations will suffice to illustrate.

It must be obvious, on a little reflection, that the effects of a distribution of the surplus would be to place the interests of the States, on all questions of expenditure, in opposition to expenditure, as every reduction of expense would necessarily increase the sum to be distributed among them. The effect of this would be to convert them, through their interests, into faithful and vigilant sentinels on the side of economy and accountability in the expenditures of this Government; and would thus powerfully tend to restore the Government, in its fiscal action, to the honest simplicity of former days.

It may, perhaps, be thought by some that the power which the distribution among the States would bring to bear against the expenditure, and its consequent tendency to retrench the disbursements of the Government, would be so strong as not only to curtail useless or improper expenditure, but also the useful and necessary. Such, undoubtedly, would be the consequence if the process were too long continued; but in the present irregular and excessive action of the system, when its centripetal force threatens to concentrate all its powers in a single department, the fear that the action of this Government will be too much reduced by the measure under consideration, in the short period to which it is pro-

posed to limit its operation, is without just foundation. On the contrary, if the proposed measure should be applied in the present diseased state of the Government, its effect would be like that of some powerful alterative medicine, operating just long enough to change the present morbid action, but not sufficiently long to superinduce another of an opposite character.

But it may be objected, that, though the distribution might reduce all useless expenditure, it would, at the same time, give additional power to the interest in favor of taxation. It is not denied that such would be its tendency; and, if the danger from increased duties or taxes was at this time as great as that from a surplus revenue, the objection would be fatal; but it is confidently believed that such is not the case. On the contrary, in proposing the measure, it is assumed that the act of March 2d, 1833, will remain undisturbed. It is on the strength of this assumption that the measure is proposed, and, as it is believed, safely proposed.

It may, however, be said that the distribution may create, on the part of the States, an appetite in its favor which may ultimately lead to its adoption as a permanent measure. It may, indeed, tend to excite such an appetite, short as is the period proposed for its operation; but it is obvious that this danger is far more than countervailed by the fact, that the proposed amendment to the Constitution to authorize the distribution would place the power beyond the reach of legislative construction, and thus effectually prevent the possibility of its adoption as a permanent measure, as it cannot be conceived that three fourths of the States will ever assent to an amendment of the Constitution to authorize a distribution, except as an extraordinary measure, applicable to some extraordinary condition of the country like the present.

Giving, however, to these, and other objections which may be urged, all the force that can be claimed for them, it must be remembered, the question is not whether the

measure proposed is or is not liable to this or that objection, but whether any other less objectionable can be devised; or, rather, whether there is any other, which promises the least prospect of relief, that can be applied. Let not the delusion prevail that the disease, after running through its natural course, will terminate of itself, without fatal consequences. Experience is opposed to such anticipations. Many and striking are the examples of free States perishing under that excess of patronage which now afflicts ours. It may, in fact, be said with truth, that all, or nearly all, diseases which afflict free governments, may be traced directly or indirectly to excess of revenue and expenditure; the effect of which is to rally around the government a powerful, corrupt, and subservient corps—a corps ever obedient to its will, and ready to sustain it in every measure, whether right or wrong, and which, if the cause of the disease be not eradicated, must ultimately render the government stronger than the people.

What progress this dangerous disease has already made in our country it is not for your committee to say; but when they reflect on the present symptoms, on the almost unbounded extent of Executive patronage, wielded by a single will; and the surplus revenue, which cannot be reduced within proper limits in less than seven years—a period which covers two presidential elections, on both of which all this mighty power and influence will be brought to bear—and when they consider that, with the vast patronage and influence of this Government, those of all the States acting in concert with it will be combined, there are just grounds to fear that the fate which has befallen so many other free governments must also befall ours, unless, indeed, some effectual remedy be forthwith applied. It is under this impression that your committee have suggested the one proposed, not as free from all objections, but as the only one of sufficient power to arrest the disease, and to restore the body politic to a sound condition; and they have, accordingly, reported a

resolution so to amend the Constitution that the money remaining in the Treasury at the end of each year, till the 1st of January, 1843, deducting therefrom the sum of $2,000,000 to meet current and contingent expenses, shall annually be distributed among the States and territories, including the District of Columbia; and, for that purpose, the sum to be distributed to be divided into as many shares as there are senators and representatives in Congress, adding two for each territory, and two for the District of Columbia; and that there shall be allotted to each State a number of shares equal to its representation in both houses, and to the territories, including the District of Columbia, two shares each. Supposing the surplus to be distributed should average $9,000,000 annually, as estimated, it would give to each share $30,405; which, multiplied by the number of senators and representatives of any State, would show the sum to which it would be entitled.

The reason for selecting the ratio of distribution proposed in the amendment is too obvious to require much illustration. It is that which indicates the relative political weight assigned by the Constitution to the members of the confederacy respectively, and, it is believed, approaches as nearly to equality as any other that can be selected. It may be objected that some States, under the distribution, may receive more, and others less than their actual contribution to the Treasury, under the existing system of revenue. The truth of the objection may be acknowledged, but it must also be acknowledged that the inequality is at least as great under the present system of disbursement, and would be as great under any other disposition of the surplus that can be adopted.

But as effectual as the distribution must be, if adopted, to retrench improper expenditure, and reduce correspondingly the patronage of the Government, yet other means must be added to bring it within safe limits, and to prevent the recurrence hereafter of the danger which now threatens the in-

stitutions and the liberty of the country; and, with this view, your committee have reported a bill to repeal the first and second sections of the act to limit the term of certain officers therein named, passed 13th of May, 1820; to make it the duty of the President to lay before Congress, on the first of January next, and on the first of January every four years thereafter, the names of all defaulting officers and agents charged with the collection and disbursement of the public money, whose commissions shall be vacated from and after the date of such message; and also to make it his duty, in all cases of nomination to fill vacancies occasioned by removal from office, to assign the reason for which said officer may have been removed.

The provisions of this bill are the same as those contained in bill No. 2, reported to the Senate on the 4th of May, 1826, by a select committee appointed to "inquire into the expediency of reducing the patronage of the Government of the United States," and which was accompanied by an explanatory report, to which your committee would refer the Senate; and, in order to facilitate the reference, they have instructed their Chairman to move to reprint the report for their use.

But the great and alarming strides which patronage has made in the short period that has intervened since the date of the report, have demonstrated the necessity of imposing other limitations on the discretionary powers of the Executive, particularly in reference to the General Post-office and the public funds, on which important subject the Executive has an almost unlimited discretion as things now are.

In a government like ours, liable to dangers so imminent from the access and abuse of patronage, it would seem extraordinary that a department of such vast powers, with an annual income and expenditure so great, and with a host of persons in its service, extending and ramifying itself to the remotest point, and into every neighborhood of the Union,

and having a control over the correspondence and intercourse of the whole community, should be permitted to remain so long, without efficient checks or responsibility, under the almost unlimited control of the Executive. Such a power, wielded by a single will, is sufficient of itself, when made an instrument of ambition, to contaminate the community, and to control, to a great extent, public opinion. To guard against this danger, and to impose effectual restrictions on Executive patronage, acting through this important department, your committee are of the opinion that an entire reorganization of the department is required; but their labor, in reference to this subject, has been superseded by the Committee on the Post-office, which has bestowed so much attention on it, and which is so much more minutely acquainted with the diseased state of the department than your committee can be, that it would be presumption on their part to attempt to add to their recommendation.

But, as extensive and dangerous as is the patronage of the Executive through the Post-office Department, it is not much less so in reference to the public funds, over which, as has been stated, it now has *unlimited control*, and, through them, over the entire banking system of the country. With a banking system spread from Maine to Louisiana,—from the Atlantic to the utmost West,—consisting of not less than five or six hundred banks, struggling among themselves for existence and gain,—with an immense public fund under the control of the Executive, to be deposited in whatever banks he may favor, or to be withdrawn at his pleasure,—it is impossible for ingenuity to devise any scheme better calculated to convert the surplus revenue into a most potent engine of power and influence; and, it may be added, of peculation, speculation, corruption, and fraud. The first and most decisive step against the danger is that already proposed,—of distributing the surplus revenue among the States,—which will prevent its growing accumulation in the banks, and,

with it, the corresponding increase of Executive power and influence over the banking system. In addition, your committee have reported a bill to charge the deposit banks at the rate of per cent. per annum for the use of the public funds, to be calculated on the average monthly deposits; to prohibit transfers, except for the purpose of disbursements; and to prevent a removal of the public funds from the banks in which they are now, or may hereafter be deposited, without the consent of Congress, except as is provided in the bill. The object of the bill is to secure to the Government an equivalent for the use of the public funds,—to prevent the abuses and influence incident to transfer-warrants,—and to place the deposit banks, as far as it may be practicable, beyond the control of the Executive.

In addition to these measures, there are, doubtless, many others connected with the customs—Indian affairs, public lands, army, navy, and other branches of the administration --into which, it is feared, there have crept many abuses, which have unnecessarily increased the expenditures and the number of persons employed, and, with them, the Executive patronage; but to reform which would require a more minute investigation into the general state of the administration than your committee can at present bestow. Should the measures which they have recommended receive the sanction of Congress, they feel a strong conviction that they will greatly facilitate the work of carrying accountability, retrenchment, and economy through every branch of the administration, and thereby reduce the patronage of the Executive to those safe and economical limits which are necessary to a complete restoration of the equilibrium of the system, now so dangerously disturbed. Your committee are deeply impressed with the necessity of commencing early, and of carrying through to its full and final completion, this great work of reform.

The disease is daily becoming more aggravated and danger-

ous, and, if it be permitted to advance for a few years longer with the rapidity with which it has of late, it will soon pass beyond the reach of remedy. This is no party question. Every lover of this country and of its institutions, be his party what it may, must see and deplore the rapid growth of patronage, with all its attendant evils, and the certain catastrophe which awaits its further progress, if not timely arrested. The question now is not how, or where, or with whom the danger originated, but how it is to be arrested; not the cause, but the remedy; not how our institutions and liberty have been endangered, but how they are to be rescued.

REPORT

On that portion of the President's Message which related to the adoption of efficient measures to prevent the circulation of incendiary Abolition Petitions through the Mail, February 4th, 1836.

The Select Committee to whom was referred that portion of the President's Message which relates to the attempts to circulate, through the mail, inflammatory appeals, to excite the slaves to insurrection, submit the following report :—

The committee fully concur with the President as to the character and tendency of the papers which have been attempted to be circulated in the South through the mail, and participate with him in the indignant regret which he expresses at conduct so destructive of the peace and harmony of the country, and so repugnant to the Constitution and the dictates of humanity and religion. They also concur in the hope that, if the strong tone of disapprobation which

these unconstitutional and wicked attempts have called forth, does not arrest them, the non-slaveholding States will be prompt to exercise their power to suppress them, as far as their authority extends. But, while they agree with the President as to the evil and its highly dangerous tendency, and the necessity of arresting it, they have not been able to assent to the measure of redress which he recommends—that Congress should pass a law prohibiting, under severe penalty, the transmission of incendiary publications through the mail, intended to instigate the slaves to insurrection.

After the most careful and deliberate investigation, they have been constrained to adopt the conclusion that Congress has not the power to pass such a law; that it would be a violation of one of the most sacred provisions of the Constitution, and subversive of reserved powers essential to the preservation of the domestic institutions of the slaveholding States, and, with them, their peace and security. Concurring, as they do, with the President in the magnitude of the evil, and the necessity of its suppression, it would have been the cause of deep regret to the committee, if they thought the difference of opinion, as to the right of Congress, would deprive the slaveholding States of any portion of the protection which the measure recommended by the President was intended to afford them. On the contrary, they believe all the protection intended may be afforded, according to the views they take of the power of Congress, without infringing on any provision of the Constitution on one side, or the reserved rights of the States on the other.

The committee, with these preliminary remarks, will now proceed to establish the positions which they have assumed, beginning with the first—that the passage of a law would be a violation of an express provision of the Constitution.

In the discussion of this point, the committee do not deem it necessary to inquire whether the right to pass such a law can be derived from the power to establish post-offices

and post-roads, or from the trust of "preserving the relation created by the Constitution between the States," as supposed by the President. However ingenious or plausible the arguments may be, by which it may be attempted to derive the right from these or any other sources, they must fall short of their object. The jealous spirit of liberty which characterized our ancestors at the period when the Constitution was adopted, for ever closed the door by which the right might be implied from any of the granted powers, or any other source, if there be any other. The committee refer to the amended article of the Constitution, which, among other things, provides that Congress shall pass no law which shall abridge the liberty of the press—a provision which interposes, as will be hereafter shown, an insuperable objection to the measure recommended by the President. That the true meaning of this provision may be fully comprehended, as bearing on the point under consideration, it will be necessary to recur briefly to the history of the adoption of the Constitution.

It is well known that great opposition was made to the adoption of the Constitution. It was acknowledged on all sides, at the time, that the old confederation, from its weakness, had failed, and that something must be done to save the country from anarchy and convulsion ; yet, so high was the spirit of liberty—so jealous were our ancestors of that day of power, that the utmost efforts were necessary, under all the then existing pressure, to obtain the assent of the States to the ratification of the Constitution. Among the many objections to its adoption, none were more successfully urged than the absence, in the instrument, of those general provisions which experience had shown to be necessary to guard the outworks of liberty : such as the freedom of the press and of speech,—the rights of conscience,—of trial by jury, and others of like character. It was the belief of those jealous and watchful guardians of liberty, who viewed

the adoption of the Constitution with so much apprehension, that all these sacred barriers, without some positive provision to protect them, would, by the power of construction, be undermined and prostrated. So strong was this apprehension, that it was impossible to obtain a ratification of the instrument in many of the States without accompanying it with the recommendation to incorporate in the Constitution various articles, as amendments, intended to remove this defect, and guard against the danger apprehended, by placing these important rights beyond the possible encroachment of Congress. One of the most important of these is that which stands at the head of the list of amended articles, and which, among other things, as has been stated, prohibits the passage of any law abridging the freedom of the press, and which left that important barrier against power under the exclusive authority and control of the States.*

That it was the object of this provision to place the freedom of the press beyond the possible interference of Congress, is a doctrine not now advanced for the first time. It is the ground taken, and so ably sustained by Mr. Madison, in his celebrated report to the Virginia Legislature, in 1799, against the alien and sedition law, and which conclusively settled the principle that Congress has no right, in any form or in any manner, to interfere with the freedom of the press. The establishment of this principle not only overthrew the sedition act, but was the leading cause of the great political revolution which, in 1801, brought the Republican party, with Mr. Jefferson at its head, into power.

With these remarks, the committee will turn to the se-

* The article is in the following words:—

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and petition the Government for a redress of grievances."

dition act, in order to show the identity in principle between it and the act which the message recommends to be passed, as far as it relates to the freedom of the press. Among its other provisions, it inflicted punishment on all persons who should publish any false, scandalous, or malicious writing against the Government, with intent to defame the same, or bring it into contempt or disrepute. Assuming this provision to be unconstitutional, as abridging the freedom of the press, which no one now doubts, it will not be difficult to show that if, instead of inflicting punishment for publishing, the act had inflicted punishment for circulating through the mail for the same offence, it would have been equally unconstitutional. The one would have abridged the freedom of the press as effectually as the other. The object of publishing is circulation; and to prohibit circulation is, in effect, to prohibit publication. They both have a common object—the communication of sentiments and opinions to the public; and the prohibition of one may as effectually suppress such communication as the prohibition of the other; and, of course, would as effectually interfere with the freedom of the press, and be equally unconstitutional.

But, to understand more fully the extent of the control which the right of prohibiting circulation through the mail would give to the Government over the press, it must be borne in mind that the power of Congress over the post-office and the mail is an exclusive power. It must also be remembered that Congress, in the exercise of this power, may declare any road or navigable water to be a post-road; and that, by the act of 1825, it is provided "that no stage, or other vehicle which regularly performs trips on a post-road, or on a road parallel to it, shall carry letters." The same provision extends to packets, boats, or other vessels, on navigable waters. Like provision may be extended to newspapers and pamphlets; which, if it be admitted that Congress has the right to discriminate in reference to their

character, what papers shall or what shall not be transmitted by the mail, would subject the freedom of the press on all subjects, political, moral, and religious, completely to its will and pleasure. It would, in fact, in some respects, more effectually control the freedom of the press than any sedition law, however severe its penalties. The mandate of the Government alone would be sufficient to close the door against circulation through the mail; and thus, at its sole will and pleasure, might intercept all communication between the press and the people,—while it would require the intervention of courts and juries to enforce the provisions of a sedition law, which experience has shown are not always passive and willing instruments in the hands of government, where the freedom of the press is concerned.

From these remarks, it must be apparent that, to prohibit publication on one side, and circulation through the mail on the other, of any paper, on account of its religious, moral, or political character, rests on the same principle; and that each is equally an abridgment of the freedom of the press, and a violation of the Constitution. It would, indeed, have been but a poor triumph for the cause of liberty, in the great contest of 1799, had the sedition law been put down on principles that would have left Congress free to suppress the circulation through the mail of the very publications which that odious act was intended to prohibit. The authors of that memorable achievement would have had but slender claims on the gratitude of posterity, if their victory over the encroachment of power had been left so imperfect.

It will, after what has been said, require but few remarks to show that the same principle which applied to the sedition law would apply equally to a law punishing the circulation of such incendiary publications as are referred to in the message;—and, of course, to the passage of a law prohibiting their transmission through the mail. The principle on

which the sedition act was condemned as unconstitutional was a general one, and not limited, in its application, to that act. It withdraws from Congress all right of interference with the press, in any form or shape whatever; and the sedition law was put down as unconstitutional, not because it prohibited publications against the Government, but because it interfered at all with the press. The prohibition of any publication on the ground of its being immoral, irreligious, or intended to excite rebellion or insurrection, would have been equally unconstitutional; and, from parity of reason, the suppression of their circulation through the mail would be no less so.

But, as conclusive as these reasons are against the right, there are others not less so,—derived from the powers reserved to the States, which the committee will next proceed to consider.

The message, as has been stated, recommends that Congress should pass a law to punish the transmission, through the mail, of incendiary publications intended to instigate the slaves to insurrection. It of course assumes for Congress a right to determine what papers are incendiary and intended to excite insurrection. The question, then, is,—Has Congress such a right? A question of vital importance to the slaveholding States, as will appear in the course of the discussion.

After examining this question with due deliberation, in all its bearings, the committee are of opinion, not only that Congress has not the right, but that to admit it would be fatal to the States. Nothing is more clear than that the admission of the right, on the part of Congress, to determine what papers are incendiary, and, as such, to prohibit their circulation through the mail, necessarily involves the right to determine what are not incendiary, and to enforce their circulation. Nor is it less certain that, to admit such a right, would be virtually to clothe Congress with the power

to abolish slavery, by giving it the means of breaking down all the barriers which the slaveholding States have erected for the protection of their lives and property. It would give Congress, without regard to the prohibition laws of the States, the authority to open the gates to the flood of incendiary publications which are ready to break into those States, and to punish all who dare resist as criminals. Fortunately, Congress has no such right. The internal peace and security of the States are under the protection of the States themselves, to the entire exclusion of all authority and control on the part of Congress. It belongs to them, and not to Congress, to determine what is, or is not, calculated to disturb their peace and security ; and, of course, in the case under consideration, it belongs to the slaveholding States to determine what is incendiary and intended to incite to insurrection, and to adopt such defensive measures as may be necessary for their security, with unlimited means of carrying them into effect, except such as may be expressly inhibited to the States by the Constitution. To establish the truth of this position, so essential to the safety of those States, it would seem sufficient to appeal to their constant exercise of this right at all times, without restriction or question, both before and since the adoption of the Constitution. But, on a point of so much importance, which may involve the safety, if not the existence itself, of an entire section of the Union, it will be proper to trace it to its origin, in order to place it on a more immovable foundation.

That the States which form our Federal Union are sovereign and independent communities, bound together by a constitutional compact, and possessed of all the powers belonging to distinct and separate States, excepting such as are delegated to be exercised by the General Government, is assumed as unquestionable. The compact itself expressly provides that all powers not delegated are reserved to the States and the people. To ascertain, then, whether the

power in question is delegated or reserved, it is only necessary to ascertain whether it is to be found among the enumerated powers or not. If it be not among them, it belongs, of course, to the reserved powers. On turning to the Constitution, it will be seen that, while the power of defending the country against external danger is found among the enumerated, the instrument is wholly silent as to the power of defending the internal peace and security of the States; and, of course, reserves to the States this important power, as it stood before the adoption of the Constitution, with no other limitation, as has been stated, except such as are expressly prescribed by the instrument itself. From what has been stated, it may be inferred that the right of a State to defend itself against internal dangers is a part of the great, primary, and inherent right of self-defence, which, by the laws of nature, belongs to all communities; and so jealous were the States of this essential right, without which their independence could not be preserved, that it is expressly provided by the Constitution,* that the General Government shall not assist a State, even in case of domestic violence, except on the application of the authorities of the State itself: thus excluding, by a necessary consequence, its interference in all other cases.

Having now shown that it belongs to the slaveholding States, whose institutions are in danger, and not to Congress, as is supposed by the message, to determine what papers are incendiary and intended to excite insurrection among the slaves, it remains to inquire, in the next place, what are the corresponding duties of the General Government, and the other States, from within whose limits and jurisdiction their institutions are attacked: a subject intimately connected with that with which the committee are immediately charged, and which, at the present juncture, ought to be

* See the 4th article, 4th section, of the Constitution.

fully understood by all the parties. The committee will begin with the first.

It may not be entirely useless to premise, that rights and duties are reciprocal—the existence of a right always implying a corresponding duty. If, consequently, the right to protect her internal peace and security belongs to a State, the General Government is bound to respect the measures adopted by her for that purpose, and to co-operate in their execution, as far as its delegated powers may admit, or the measure may require. Thus, in the present case, the slaveholding States having the unquestionable right to pass all such laws as may be necessary to maintain the existing relation between master and slave in those States, their right, of course, to prohibit the circulation of any publication or any intercourse calculated to disturb or destroy that relation, is incontrovertible. In the execution of the measures which may be adopted by the States for this purpose, the powers of Congress over the mail, and of regulating commerce with foreign nations and between the States, may require co-operation on the part of the General Government; and it is bound, in conformity with the principle established, to respect the laws of the State in their exercise, and so to modify its acts as not only not to violate those of the States, but, as far as practicable, to co-operate in their execution. The practice of the Government has been in conformity with these views.

By the act of the 28th of February, 1803, entitled "An act to prevent the importation of certain persons into certain States," where, by the laws of those States, their importation is prohibited, masters or captains of ships or vessels are forbidden, under severe penalty, "to import or bring, or cause to be imported or brought, any negro or mulatto, or person of color, not being a native or citizen, or registered seaman of the United States, or seamen, natives of countries beyond the Cape of Good Hope, into any port or place

which shall be situated in any State which, by law, has prohibited, or shall prohibit, the admission or importation of such negro, mulatto, or other person of color." This provision speaks for itself, and requires no illustration. It is a case in point, and fully embraces the principle laid down. To the same effect is the act of the 25th of February, 1799, respecting quarantine and health laws, which, as belonging to the internal police of the States, stand on the same ground. The act, among other things, "directs the collectors and all other revenue officers, the masters and crews of the revenue cutters, and the military officers in command on the station, to co-operate faithfully in the execution of the quarantine and other restrictions which the health laws of the State may establish."

The principles embraced by these acts, in relation to the commercial intercourse of the country, are equally applicable to the intercourse by mail. There may, indeed, be more difficulty in co-operating with the States in the latter than in the former, but that cannot possibly affect the principle. Regarding it, then, as established both by reason and precedents, the committee, in conformity with it, have prepared a bill, and directed their chairman to report the same to the Senate, prohibiting, under the penalty of fine and dismission from office, any deputy postmaster in any State, Territory, or District, from knowingly receiving and putting into the mail any letter, packet, pamphlet, paper, or pictorial representation, directed to any post-office or person in a State, Territory, or District, by the laws of which the circulation of the same is forbidden; and also prohibiting, under a like penalty, any deputy postmaster in said State, Territory, or District, from knowingly delivering the same, except to such persons as may be authorized to receive them by the civil authority of said State, Territory, or District.

It remains next to inquire into the duty of the States,

from within whose limits and jurisdiction the internal peace and security of the slaveholding States are endangered.

In order to comprehend more fully the nature and extent of their duty, it will be necessary to make a few remarks on the relations which exist between the States of our Federal Union, with the rights and obligations reciprocally resulting from such relations.

It has already been stated that the States which compose our Federal Union are sovereign and independent communities, united by a constitutional compact. Among its members the laws of nations are in full force and obligation, except as altered or modified by the compact; and, of course, the States possess, with that exception, all the rights, and are subject to all the duties which separate and distinct communities possess, or to which they are subject. Among these are comprehended the obligation which all States are under to prevent their citizens from disturbing the peace or endangering the security of other States; and, in case of being disturbed or endangered, the right of the latter to demand of the former to adopt such measures as will prevent their recurrence; and, if refused or neglected, to resort to such measures as its protection may require. This right remains, of course, in force among the States of this Union, with such limitations as are imposed expressly by the Constitution. Within their limits, the rights of the slaveholding States are as full to demand of the States within whose limits and jurisdiction their peace is assailed, to adopt the measures necessary to prevent the same, and, if refused or neglected, to resort to means to protect themselves, as if they were separate and independent communities.

Those States, on the other hand, are not only under all the obligations which independent communities would be to adopt such measures, but also under the obligation which the Constitution superadds, rendered more sacred, if possible, by the fact that, while the Union imposes restrictions

on the right of the slaveholding States to defend themselves, it affords the medium through which their peace and security are assailed. It is not the intention of the committee to inquire what those restrictions are, and what are the means which, under the Constitution, are left to the slaveholding States to protect themselves. The period has not yet come, and they trust never will, when it may be necessary to decide those questions; but come it must, unless the States whose duty it is to suppress the danger shall see in time its magnitude, and the obligations which they are under to adopt speedy and effectual measures to arrest its farther progress. That the full force of this obligation may be understood by all parties, the committee propose, in conclusion, to touch briefly on the movements of the Abolitionists, with the view of showing the dangerous consequences to which they must lead if not arrested.

Their professed object is the emancipation of slaves in the Southern States, which they propose to accomplish through the agency of organized societies, spread throughout the non-slaveholding States, and a powerful press, directed mainly to excite in the other States hatred and abhorrence against the institutions and citizens of the slaveholding States, by addresses, lectures, and pictorial representations, abounding in false and exaggerated statements.

If the magnitude of the mischief affords, in any degree, the measure by which to judge of the criminality of a project, few have ever been devised to be compared with the present, whether the end be regarded, or the means by which it is proposed to be accomplished. The blindness of fanaticism is proverbial. With more zeal than understanding, it constantly misconceives the nature of the object at which it aims, and towards which it rushes with headlong violence, regardless of the means by which it is to be effected. Never was its character more fully exemplified than in the present instance. Setting out with the abstract prin-

ciple that *slavery is an evil*, the fanatical zealots come at once to the conclusion that it is their duty to abolish it, regardless of all the disasters which must follow. Never was conclusion more false or dangerous. Admitting their assumption, there are innumerable things which, regarded in the abstract, are evils, but which it would be madness to attempt to abolish. Thus regarded, government itself is an evil, with most of its institutions intended to protect life and property,—comprehending the civil as well as the criminal and military code,—which are tolerated only because to abolish them would be to increase instead of diminishing the evil. The reason is equally applicable to the case under consideration: to illustrate which, a few remarks on slavery, as it actually exists in the Southern States, will be necessary.

He who regards slavery in those States simply under the relation of master and slave, as important as that relation is,—viewed merely as a question of property to the slaveholding section of the Union,—has a very imperfect conception of the institution, and the impossibility of abolishing it without disasters unexampled in the history of the world. To understand its nature and importance fully, it must be borne in mind that slavery, as it exists in the Southern States (including under the Southern all the slaveholding States), involves not only the relation of master and slave, but also the social and political relations of two races, of nearly equal numbers, from different quarters of the globe, and the most opposite of all others in every particular that distinguishes one race of men from another. Emancipation would destroy these relations—would divest the masters of their property, and subvert the relation, social and political, that has existed between the races from almost the first settlement of the Southern States.

It is not the intention of the committee to dwell on the pecuniary aspect of this vital subject: the vast amount of property involved, equal, at least, to $950,000,000,—the

ruin of families and individuals,—the impoverishment and prostration of an entire section of the Union,—and the fatal blow that would be given to the productions of the great agricultural staples, on which the commerce, the navigation, the manufactures, and the revenue of the country almost entirely depend. As great as these disasters would be, they are nothing compared to what must follow the subversion of the existing relation between the two races, to which the committee will confine their remarks.

Under this relation the two races have long lived in peace and prosperity, and, if not disturbed, would long continue so to live. While the European race has rapidly increased in wealth and numbers, and, at the same time, has maintained an equality, at least morally and intellectually, with their brethren of the non-slaveholding States, the African race has multiplied with not less rapidity, accompanied by great improvement, physically and intellectually, and a degree of comfort which the laboring classes in few other countries enjoy, and confessedly greatly superior to what the free people of the same race possess in the non-slaveholding States. It may, indeed, be safely asserted, that there is no example in history in which a savage people, such as their ancestors were when brought into the country, have ever advanced in the same period so rapidly in numbers and improvement.

To destroy the existing relations, would be to destroy this prosperity, and to place the two races in a state of conflict, which must end in the expulsion or extirpation of one or the other. No other can be substituted compatible with their peace or security. The difficulty is in the diversity of the races. So strongly drawn is the line between the two in consequence, and so strengthened by the force of habit and education, that it is impossible for them to exist together in the same community, where their numbers are so nearly equal as in the slaveholding States, under any other

relation than that which now exists. Social and political equality between them is impossible. No power on earth can overcome the difficulty. The causes lie too deep in the principles of our nature to be surmounted. But, without such equality, to change the present condition of the African race, were it possible, would be but to change the form of slavery. It would make them the slaves of the community instead of the slaves of individuals, with less responsibility and interest in their welfare on the part of the community than is felt by their present masters ; while it would destroy the security and independence of the European race, if the African should be permitted to continue in their changed condition within the limits of those States. They would look to the other States for support and protection, and would become, virtually, their allies and dependants ; and thus place in the hands of those States the most effectual instrument to destroy the influence and control the destiny of the rest of the Union.

It is against this relation between the two races that the blind and criminal zeal of the Abolitionists is directed—a relation that now preserves in quiet and security more than 6,500,000 human beings, and which cannot be destroyed without destroying the peace and prosperity of nearly half the States of the Union, and involving their entire population in a deadly conflict, that must terminate either in the expulsion or extirpation of those who are the object of the misguided and false humanity of those who claim to be their friends.

He must be blind, indeed, who does not perceive that the subversion of a relation which must be followed with such disastrous consequences, can only be effected by convulsions that would devastate the country,—burst asunder the bonds of the Union,—and ingulf, in a sea of blood, the institutions of the country. It is madness to suppose that the slaveholding States would quietly submit to be sacri-

ficed. Every consideration—interest, duty, and humanity, —the love of country,—the sense of wrong,—hatred of oppressors,—and treacherous and faithless confederates,—and, finally, despair—would impel them to the most daring and desperate resistance in defence of property, family, country, liberty, and existence.

But wicked and cruel as is the end aimed at, it is fully equalled by the criminality of the means by which it is proposed to be accomplished. These, as has been stated, consist in organized societies and a powerful press, directed mainly with a view to excite the bitterest animosity and hatred of the people of the non-slaveholding States against the citizens and institutions of the slaveholding States. It is easy to see to what disastrous results such means must tend. Passing over the more obvious effects, their tendency to excite to insurrection and servile war, with all its horrors, and the necessity which such tendency must impose on the slaveholding States to resort to the most rigid discipline and severe police, to the great injury of the present condition of the slaves, there remains another, threatening incalculable mischief to the country.

The inevitable tendency of the means to which the Abolitionists have resorted to effect their object must, if persisted in, end in completely alienating the two great sections of the Union. The incessant action of hundreds of societies, and a vast printing establishment, throwing out daily thousands of artful and inflammatory publications, must make, in time, a deep impression on the section of the Union where they freely circulate, and are mainly designed to have effect. The well-informed and thoughtful may hold them in contempt, but the young, the inexperienced, the ignorant, and thoughtless will receive the poison. In process of time, when the number of proselytes is sufficiently multiplied, the artful and profligate, who are ever on the watch to seize on any means, however wicked and dangerous, will unite with

the fanatics, and make their movements the basis of a powerful political party, that will seek advancement by diffusing, as widely as possible, hatred against the slaveholding States. But, as hatred begets hatred, and animosity animosity, these feelings would become reciprocal, till every vestige of attachment would cease to exist between the two sections ; when the Union and the Constitution, the offspring of mutual affection and confidence, would for ever perish.

Such is the danger to which the movements of the Abolitionists expose the country. If the force of the obligation is in proportion to the magnitude of the danger, stronger cannot be imposed than is at present on the States within whose limits the danger originates, to arrest its farther progress—a duty they owe, not only to the States whose institutions are assailed, but to the Union and Constitution, as has been shown, and, it may be added, to themselves. The sober and considerate portions of citizens of the non-slaveholding States, who have a deep stake in the existing institutions of the country, would have little forecast not to see that the assaults which are now directed against the institutions of the Southern States may be very easily directed against those which uphold their own property and security. A very slight modification of the arguments used against the institutions which sustain the property and security of the South would make them equally effectual against the institutions of the North, including banking, in which so vast an amount of its property and capital is invested. It would be well for those interested to reflect whether there now exists, or ever has existed, a wealthy and civilized community in which one portion did not live on the labor of another ; and whether the form in which slavery exists in the South is not but one modification of this universal condition ; and, finally, whether any other, under all the circumstances of the case, is more defensible, or stands on stronger ground of necessity. It is time to look these ques-

tions in the face. Let those who are interested remember that labor is the only source of wealth, and how small a portion of it, in all old and civilized countries, even the best governed, is left to those by whose labor wealth is created. Let them also reflect how little volition or agency the operatives in any country have in the question of its distribution —as little, with a few exceptions, as the African of the slaveholding States has in the distribution of the proceeds of his labor. Nor is it the less oppressive, that, in the one case, it is effected by the stern and powerful will of the Government, and in the other by the more feeble and flexible will of a master. If one be an evil, so is the other. The only difference is the amount and mode of the exaction and distribution, and the agency by which they are effected.

REPORT

On the Public Lands, submitted to the Senate, May 13th, 1840.

Mr. NORVELL made the following Report.

The Committee on Public Lands, to whom was referred the bill introduced by Mr. CALHOUN, *of South Carolina, to cede the public lands to the States within whose limits they respectively lie, on certain conditions, report :—*

This bill provides that the public lands lying within the States of Alabama, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Michigan, Ohio, and Indiana, excepting sites for forts, navy and dock yards, arsenals, magazines, and other public buildings, shall be ceded to the States within

which they respectively lie, after the 30th of June, 1842, on the following conditions:—

1. That the States shall pass acts, to be irrevocable, pledging their faith to pay to the United States one half of the gross proceeds of the lands on or before the first day of February, in each year.

2. That the minimum price per acre, now fixed by law, shall not be reduced, except according to the scale of reduction fixed in the bill.

3. That the land laws now in force, and as modified by this bill, shall remain unchanged, without the consent of Congress.

4. That the cession shall be in full of the five per cent. fund, or any portion of it; and that the States shall be exclusively liable for costs of surveys, sales, extinction of Indian titles, and management generally.

5. That, on failure to comply with any of these conditions, the cession to the State so failing shall be abrogated; and all grants or titles on the part of the State, for land thereafter sold, to be null and void.

The bill also provides that the President of the United States, when officially notified of the passage of an act of any one of the States, in compliance with the above conditions, shall adopt such measures as he shall deem advisable to close the land offices within the States, including the surveying department; and that the commissions of all officers connected therewith shall expire on a day to be fixed by him, but not beyond six months from the time.

It moreover provides that, on such compliance and notification, the State shall be released from all compacts or ordinances that impose restrictions on her right to tax the lands thereafter sold; and that all maps, titles, records, books, documents, and papers, in the General Land Office, shall be subject to the order and disposition of the Executive of the State.

It also provides that the public lands in Tennessee, with the exceptions contained in the first section, shall be ceded to that State.

Such are the provisions of the bill, as it now stands. The amendments proposed by the committee will be noticed in the proper place.

A cursory examination of the above provisions will suffice to show that the proposed cession would be, in reality, but a sale of the public lands to the States in which they lie, subject to the conditions contained in the bill. The right to make such sale would seem unquestionable. The lands are held by Congress as common property, for the benefit of the whole Union, with express authority by the Constitution to dispose of them, without making any distinction between sales to States and to individuals, or prescribing the terms on which they shall be sold. Regarding it, then, as a mere question of discretion,—to whom and on what terms and conditions the lands should be sold,—the committee propose to consider the measure simply in reference to its expediency; but it will be necessary, as a preliminary step to the discussion of its general merits, to ascertain what portion of the public domain would be subject to the operation of the bill, should it pass, and the true amount of its value.

It appears from a report of the Commissioner of the General Land Office (see Doc. 46, 3d session 25th Congress), that the whole quantity in acres of the public domain, on the 30th of September, 1838, to which the Indian title was not extinguished, amounted to seven hundred and sixty-six millions, in round numbers. There were, at the same time, as appears by the same report, in the States and Territories, three hundred and nineteen millions of acres, to which the Indian title was extinguished; making the whole public domain in the aggregate, at that time, to be ten hundred and eighty-five millions of acres; from which about five millions of acres may be deducted for sales since made, leaving now

about ten hundred and eighty millions of acres. By table marked A, herewith annexed, it appears that, on the 1st of January last, there were in the new States one hundred and fifty-four millions of acres, to which the Indian titles were extinguished; and nine millions five hundred thousand acres, to which the Indian title was not extinguished: making, in the aggregate, one hundred and sixty-three millions five hundred thousand acres. From this deduct,—for disputed grants, many of which are large, to which the right of the Government may not be established,—three millions and a half of acres, which would leave one hundred and sixty millions subject to the operation of this bill; being less than one sixth of the whole public domain.

Those who have not reflected on the subject are liable to form very erroneous estimates of the true value of the public lands. It is very natural to conclude that, as none are sold for less than one dollar and twenty-five cents per acre, the one hundred and sixty millions of acres unsold in the new States are worth two hundred millions of dollars; but such a conclusion would be utterly fallacious. If the whole could be sold at once, at that price, for cash in hand, or on perfectly safe security, with interest, and without expense, the conclusion would be correct; but such is far from being the case. They can only be sold at that price, through a long period of years, in small portions at a time, and at a heavy expense; all of which must be taken into the estimate to form a correct opinion of their real value, or, to express the idea differently, their actual present value.

In order to determine what that really is, it will be necessary to assume what would probably be the gross annual proceeds of the sales of the public lands embraced by the bill, on the supposition that the present price, and the land system, as it now stands, will be continued. The committee are fully aware that the assumption must be, in a great measure, conjectural. There are not, and cannot be, from the nature of

the subject, any certain data on which to rest calculation All that can be done is, to assume a sum sufficiently liberal to guard against the possibility of an under-estimate; and proceeding on that principle, after a full consideration of the whole ground, the committee have come to the conclusion that it would be a liberal assumption to take the sum of two millions five hundred thousand dollars as their average gross annual income, on the supposition of the continuance of the system till the whole shall be sold. The assumption supposes that the whole of the lands embraced in the bill will be sold at one dollar and twenty-five cents per acre, and that the average sales annually will yield two millions five hundred thousand dollars till the last acre is sold; an assumption which all, the least conversant with the subject, will readily allow to be ample.

Taking, then, that sum as the annual gross income, it is clear that the real value of the lands in question cannot exceed a sum which, at the legal interest of six per cent., would give an annual income of two millions five hundred thousand dollars; or, to express it differently, cannot exceed the present value of a permanent annuity of that amount; that is, a fraction over forty-one millions of dollars.

So far is clear; and it is equally so that it must be less than that sum. The reason is obvious: To derive an income of two millions five hundred thousand dollars from lands at one dollar and twenty-five cents per acre, there must be annually sold two millions of acres, which would dispose, at that rate, of the whole one hundred and sixty millions of acres in eighty years. It follows, of course, that their true present value, instead of being worth a permanent annuity of two millions five hundred thousand dollars, would be worth one of that amount for eighty years only, which is little more than thirty-four millions. That sum, then, it is manifest, would be the true present value of all the unsold lands in the new States, on the data assumed, provided they

could be sold without expense, trouble, or cost by the Government; but, as that cannot be, it becomes necessary to determine what deduction ought to be made on that account—to ascertain what, in fact, is their real present value.

In determining this, the committee have taken experience as their guide. They have carefully ascertained, under the actual operation of the system to the present time, what deductions ought to be made under all the various heads, as incident to the system, on the actual quantity of lands sold by the Government; and have apportioned them ratably on the lands to be sold, on the supposition that what remains to be sold will be subject to as great a reduction, in proportion, as that which has been; in other words, that the administration of the public lands hereafter, if the present system should be continued as it stands, would be neither more nor less economical or prudent than it has been. In making their estimate, they have included, under expense, not only what is appropriately comprehended under it, but whatever goes to diminish the net income from the lands—such as grants and donations, other than the sixteenth section reserved for schools; the two and three per cent. fund reserved out of the sales for internal improvement; the expenditures on internal improvement incident to the public domain, but not charged to that fund; and the increased expense of legislation, as will more fully appear by reference to Table B, containing the estimates, and hereto annexed.

The result is, that the expense of the management of the public lands embraced in the bill,—on the supposition that the administration will be neither more nor less economical than the past, and that they will yield annually the sum supposed, and of course be sold in the period assigned,—would amount to a fraction over forty-four millions of dollars, which, divided by eighty, the number of years required to dispose of the lands, would give five hundred and

fifty thousand dollars as the average annual expense. This sum, regarded as an annuity for eighty years and estimated as a present charge, would make a fraction less than seven millions six hundred, thousand dollars, which, deducted from the sum of thirty-four millions of dollars, the present value of the lands, without estimating expenses, would give for the actual present value of the lands the sum of twenty-six millions four hundred thousand dollars.

But, as small as this sum may appear to many, the committee believe that it is over, rather than under, the true estimate. It makes no allowance for defalcations and losses incident to the management of the fiscal concerns of the land system, and assumes that every acre will be sold at one dollar and twenty-five cents per acre, which no one can expect who will recollect that a large portion is sterile and worthless, consisting of pine barrens, swamps, unproductive prairies, and stony and mountainous tracts, which are at present unsalable at any price, and will be so for a long time to come. To this may be added, that more than one half has been in market for five, ten, fifteen, and twenty years, and upwards (as will be seen in Table C, annexed), without being sold, and are the remnants left after the repeated selections of all that were considered as valuable, even under the late rage for speculation, stimulated to the greatest excess by a bloated currency. Against this, it is admitted that there is a considerable quantity not yet surveyed and brought into market (see Table A), of which a portion may sell for more than one dollar and twenty-five cents per acre ; but experience shows that the quantity sold above that price is so small, that its effect on the general average price does not exceed two and four fifths cents per acre, and is too inconsiderable to take into the estimate.

Taking, then, all circumstances into consideration, the committee feel assured that the result to which they have been brought is too high, rather than too low ; but they do

not deem it material whether it be, in truth, a few millions more or less. Their object is not perfect precision, but to give a correct general impression of the value of the lands embraced in the bill, in order to correct the utterly fallacious conception which even many of the well-informed entertain on the subject. So long as the value of the lands embraced in the bill is estimated at hundreds of millions of dollars, instead of the few millions which they are really worth, so long it will be impossible to obtain for the measure which it proposes that impartial and deliberate consideration necessary to a correct decision; and hence the necessity of removing such erroneous impressions, preliminary to the discussion of the general merits of the bill, to which the committee will now proceed.

One of the first and most obvious consequences which would follow the adoption of the measure, would be a great reduction of the patronage of the Government. There are spread over the new States fifty-nine land offices; connected with which there are one hundred and eighteen registers and receivers, eight surveyors general, with a host of deputies, clerks, draughtsmen, chain-carriers and axemen, at an aggregate annual expense of upwards of $334,000, on an average of the last two years. But as considerable as are their number and expense, these give a very inadequate conception of the real extent of the prtronage of the Government. Few places under it afford such ready and certain means of acquiring fortunes, and of extending favors and accommodation to a large and influential portion of the community, as those attached to the land system. The thorough knowledge which those who hold them have of all that relates to the public lands, makes their good-will of great importance to the numerous body of individuals annually emigrating to the West, or engaged in investing or speculating in the public lands. The extent of the influence which the Government might exercise, whenever it thinks proper,

through so many of its dependants, with such ample means of acting upon public opinion, can be more readily conceived than estimated; the whole of which, with at least one half of the patronage dependent on the General Land Office at the seat of Government, would be cut off at a single blow should the bill become a law.

Should the question be put,—whether such a result is desirable,—let the denunciations daily heard against Executive patronage furnish the answer. If that be not sufficient, let the all-absorbing character of the Presidential contest, over-riding and controlling all other questions, respond. If the deep and agitating excitement, consequent on the contest, be not sufficient to convince all who reflect, that it is time to lop off every branch of patronage that can be spared, without impairing the proper efficiency of the Government, in order to preserve our present free system of electing the Chief Magistrate, the committee despair that any thing they could say would have that effect. It may, in truth, be laid down as a maxim in our Government, never to be departed from, and which cannot be disregarded with impunity, that there should be no more patronage than what is necessary to accomplish efficiently the objects for which it was created, and that all beyond that ought to be lopped off. Unless this maxim be rigidly enforced, it may be regarded as certain that the patronage and influence of the Government, increasing with the growth, population, and wealth of the country, will become too great, in time, for its liberty. The committee cannot doubt that it may be safely applied, as proposed by the bill, to this great and influential branch of patronage, without in any degree weakening the Government, or rendering it less efficient, except by a trifling reduction of revenue, which would be greatly outweighed by other advantages, as will be made manifest in the sequel.

Among the more immediate of these, but not the most prominent, would be the shortening of the sessions of Con-

gress; the beneficial effects of which, in reducing the expenses of the Government, have been already estimated. But, as considerable as that is, it would be the least of its advantages. The sessions of Congress are already so long, that it may be regarded as a great public grievance. It deprives the country of the services of many who are the best qualified to promote its prosperity, but who are either driven from the public councils, or deterred from entering them, by the heavy pecuniary loss and the sacrifice of domestic happiness, incident to such long separations from their business and families. The evil is still on the increase, with a corresponding loss and sacrifice; and, if not corrected, will continue to increase with our population and wealth, until it terminates in perpetual sessions. This bill would do much to put a stop to the evil. It would probably diminish the business of Congress a third or a fourth, and shorten the sessions in the same proportion, and, if followed up by other measures originating in the same spirit, the evil may be kept within reasonable bounds, notwithstanding our great and rapid growth. It ought ever to be borne in mind that this growth, to which no limits can be assigned, is at once our glory and our danger; while it increases our importance and elevates our pride, it swells, at the same time, the patronage of the Government, and strengthens its central tendency, which, if not resisted, must end in consolidation, by drawing the whole powers of the system to the centre. Hence the importance of the principle of rigidly holding this Government to the few great objects for which it was created, and lopping off patronage wherever it can be done safely. The less this Government interferes with local concerns, and with what can be properly done by the States, the more it will act in accordance with the true genius of our political system, and the more certainly accomplish the objects for which it was instituted.

But other consequences would follow, not less important;

one of the most prominent of which would be to place the new States on an equality with the old. According to the theory of our political system, the General Government is but the common agent of the States, created by their authority, for the regulation of their mutual interests, leaving all subjects of a peculiar or local character to be regulated by their separate local Governments. In this distribution, the land or territory fell to the State Governments, as far as the original States were concerned. But the fact is different as to the new States which have grown up on the public domain, and been admitted into the Union since the adoption of the Constitution. In their case, the unsold lands, and, to a certain extent, the sold, are not subject to the control and administration of the new States, but to the General Government—forming an anomaly certainly not in strict conformity with the true theory of our political system. It is, indeed, so little so, that many distinguished citizens of the new States have believed it to be inconsistent with the Constitution, and maintained that the very fact of the admission of a State divested the Government of its right to the unsold lands within its territorial limits, and transferred them to the State. In maintaining this position, they assume the ground, that the control of the domain of a State constitutes a portion of its sovereignty; an essential portion, of which it cannot be divested; and that stipulations in the act of admission, in derogation of an essential attribute of sovereignty, are null and void.

It is not the intention of the committee to enter into the discussion of this question at this time, or to undertake to support or refute the arguments by which it is countenanced. It is sufficient to say, that those who take a different view believe that the position is erroneous, and that the cause of error consists in not making the proper distinction between what is called the eminent domain and the rights of property in land, and in misconceiving the true relation, in our com-

plex system, between the General Government and the States. But all must admit, whatever may be their opinions as to these different views, not only the incongruity of the anomaly with the genius of our system, but its mischievous influence, and the expediency of removing it, as soon as it can be done on fair and equitable terms.

Among the mischievous effects of the anomaly to which the committee have referred, may be enumerated the state of dependence in which it places the new States, and their Representatives in Congress, in relation to this Government; and its tendency, in consequence, to disturb its action, and turn it from the course best calculated to accomplish the objects for which it was created. That it, in fact, causes such dependence, no one acquainted with the proceedings of Congress will deny. The great and disproportionate number of petitions from the new States, seeking either justice or some special favor from the Government; the large portion of the sessions spent on business in which they have a peculiar interest; the immense correspondence of their Representatives, growing out of their attention to the interests of their constituents, both in Congress and at the Departments—all attest the fact. How could it be otherwise, when one hundred and sixty millions of acres of land, lying in the territories of those States, are still held by the Government; when all claims growing out of the lands granted and sold are referred to it for decision; when scarcely a road, or canal, can be constructed without passing through the public lands, and requiring the assent or aid of Congress; and when all the laws relating to the public lands, either to retain or modify the existing laws, or to enact new ones, depend on the same authority? It is not possible but that a dependence so general, co-operating with the extensive patronage of the Government, through its numerous officers, must be sensibly and perniciously felt, in its reaction on the course of the Government. Those who are dependants naturally lean to

the side of power; while power as naturally seeks their support, as the means of strengthening and supporting itself. Acting in obedience to this principle, it is not a matter of surprise that the new States, in their solicitude to carry favorite measures, or to obtain some special favor, should, temporarily at least, seek the aid of the dominant party of the day in the General Government; and, on the other side, that such party, with the view of strengthening itself, should favor the wishes of the States on local questions, with little regard to the general interest. It is thus, by the reciprocal action and reaction resulting from this state of dependence, the movements of the General Government may be disturbed and turned from the objects for which it was instituted, to intermeddling and wasting its resources on objects with which it has no concern. That such has been the case, the history of our legislation but too often and too clearly attests. Against this, there is but one remedy; and that is, to place the new States, in reference to their domain, in the same independent condition with the old. So long as the present state of dependence, so humiliating to the new States, and corrupting in its tendency to both old and new, continues, so long will its mischievous influence over the action of the Government be felt. The passage of this bill would apply an appropriate and effectual remedy, and the only one that can be devised.

There still remains another and strong objection against the continuance of the present system, and in favor of the proposed measure. It belongs to the nature of things that the old and new States should take different views, have different feelings, and favor a different course of policy, in reference to the lands within their limits. It is natural for the one to regard them chiefly as a source of revenue, and to estimate them according to the amount of the income annually derived from them; while the other as naturally regards them, almost exclusively, as a portion of their domain, and as the foundation of their population, wealth, power, and impor-

tance. They have more emphatically the feelings of ownership, accompanied by the impression that they ought to have the principal control, and the greater share of benefits derived from them. To their labor, enterprise, and exposure, they trace the magic effects which, in a few years, have changed a wilderness into well-cultivated regions, studded with beautiful towns, villages, and farms, penetrated by canals, and intersected by roads in all directions, giving value to the more inferior and inaccessible portions of the lands yet unsold and held by the Government. Seeing all this, and feeling more intensely what their interests and wants demand, than can possibly be seen or felt by those who are remote and ignorant of the real condition of things, it is not at all wonderful that such opposite and conflicting views should so frequently be taken, by the new and old States, of the policy that should be pursued in reference to the public lands. These conflicting views must lead to conflicting measures, increasing in violence as the population and the political weight of the new and old States approach nearer to equality. Like all other conflicts of the kind, they will run into the Presidential contest, adding to its violence, and, through it, influencing and disturbing the general policy of the Government.

That there is, in fact, a growing tendency to conflict, and that its force has increased with the growth of the new States, will not be denied by any conversant with the proceedings of Congress for the last ten or twelve years, and who have witnessed the increase, both in numbers and excitement, of questions growing out of the public lands. The cause in which it originates will continue to act with increased strength, just in proportion as the new States become more capable of asserting with effect their views of the policy which ought to prevail in reference to the lands, till they shall have attained an ascendency in the councils of the Union, when they will demand, as a right, much more than what they would now readily accept as a satisfactory adjustment. That period is

not remote. Under the census of the present year, they will probably have two fifths of the House of Representatives. In two or three years, three or four additional States will be admitted into the Union; which will give the new States twenty-six out of the sixty members of the Senate; and they will then have about one third of the electoral college. In ten years more, under the census of 1850, they will not improbably have an ascendency in the Union. It is not difficult to foresee that, if nothing should be done, the whole of the intervening period will be one of agitation and conflict in reference to the public lands, rendered more violent by the mischievous and dangerous influence it would exercise over the Presidential question; and that the longer the adjustment of the subject is delayed, the more the passions will be excited, and the more difficult it will be to reconcile opposing demands. Surely, then, it is the part of wisdom and patriotism to adjust the question while it can be done quietly and easily, and on fair and equitable terms, to the mutual benefit of all, instead of leaving it open, at the hazard of losing the whole of the public lands, with all the mischievous and dangerous consequences that would flow from the struggle.

Having now presented the reasons for the passage of the bill, the committee will next proceed to consider the objections against it. At their head stands the objection that the cession would, in fact, prove to be but a surrender of the lands to the States. It assumes that the States would not comply with the conditions of the cession; that they would neglect or refuse to pay over to the Government its share of the purchase money; that there would be no way of enforcing payment; and that, in the end, the lands would be lost without compensation. It will not be denied that it is possible that such might prove to be the case; but, it may be asked, is there not also a possibility that the lands may be lost if nothing should be done? It is, at the worst, hazard against hazard; and the only question is, which is the greater?

Whether it is more probable that the States would violate their plighted faith, solemnly given to an arrangement at once just and liberal, supported by their votes, and in the observance of which they would have a strong interest; or, that in the struggle resulting from conflicting views of policy in reference to the public lands, they would be lost in the violence of the conflict, if something be not done to prevent it? It is, in reality, a question of probability between the deliberate violation of faith, the utter want of a sense of justice on the part of the States, and that of taking justice into their own hands, under a feeling of resentment resulting from the impression of wrong, well or ill founded. In weighing these probabilities, it may be asked, whether there is any just cause to distrust the good faith of the new States? They have all pledged their faith to the Government, in reference to these lands, in assenting to the conditions of their admission into the Union; pledged, among other things, not to tax them till five years after they are sold. Have they violated this, or any other pledge, in a single instance? Has it not, on the contrary, been faithfully observed, under much pecuniary and fiscal embarrassment on the part of many of the States, when the exercise of the power of taxing would have afforded substantial relief? Why, then, doubt their good faith in reference to the proposed arrangement? But a much deeper and more comprehensive question may be propounded. If the faith of the States is not to be trusted, what becomes of our system of Government? On what other foundation does it rest, but on their fidelity to their engagements? What is our Constitution, but a compact between the States resting on their plighted faith? What is this Government, but the offspring of that pledge? And is it becoming in us, who derive our existence from it, to estimate lightly the faith of the States?

But the bill does not rely simply on their good faith for the observance of the conditions of the cession, sacred as it

ought to be regarded. It provides that the violation of any of the conditions, and, among others, that of paying over to the Government its share of the annual proceeds of the sales of the public lands, at the time fixed, shall work a forfeiture of the cession; and that all grants from the State, for lands sold subsequent to such violation, shall be null and void: thus placing the whole under the jurisdiction of the courts, and making it the interest of the State and its citizens to adhere to the conditions. A violation would have the effect of arresting the sales of the land within the State. No one would be willing to purchase under a doubtful title; and it is not probable that a State, for the sake of the inconsiderable sum to be gained by retaining the Government share of the sales of the preceding year, would expose itself and its citizens to the embarrassment and loss which would result from the stoppage of the sales. Add to these considerations the effect which the liberal and generous policy proposed by the bill must have in binding the States to the faithful observance of their engagements, and the committee feel convinced that there is, to say the least, a reasonable assurance, such as the wise and prudent rely on in the business transactions of life, that the States would faithfully abide by the conditions of the cession, should the bill pass; and that there would be far less hazard of losing their lands, than under the system as it now stands.

But it may be asserted, that the relation of debtor and creditor between the States and this Government is dangerous, and ought to be avoided. The committee do not think that this bill establishes such relation; but, admitting the objection in its full force, may it not be asked, in turn, if the present relation of landlord, which the Government bears to the new States, is not one equally objectionable and dangerous, and more difficult to reconcile with the principles of our government? If the choice were between them, the simple question would be, which is preferable—that the new States

should become debtors to the Government, so far as to be obligated to pay over to it annually, out of the unappropriated proceeds of an existing fund in hand, derived from the ceded lands themselves, the sum of one or two hundred thousand dollars each; or, that they should have about two thirds of their domain under its exclusive regulation and control, with the dependence it creates, and all its humiliating and mischievous consequences? The committee would not consent to place the States, with their views, in the relation of debtors to this Government, without strong reasons; but they cannot doubt that, in this case, it is far better for both that the present relation should be superseded, even were that of debtor and creditor substituted, in the modified form proposed by this bill.

But it may be objected by some, that the lands would not be as prudently and faithfully managed by the States, if placed under their administration, as they now are. It is not to be disguised, that there would be great difficulty in the way of their management if the cession should be absolute, leaving the lands to be disposed of by the States, without limitation or restriction. It is easy to see that, in such case, there would spring up a competition between the States; each striving to turn the tide of immigration in its favor, by lowering the price of lands, or making the terms of sale more favorable, or granting them away on the simple condition of settlement. If one State should commence the policy, all would be compelled to follow it; and the consequence would be, that the whole system would fall into confusion, to be followed by the loss of the lands, and opening a wide field for speculation and monopoly. But effectual guards are provided against this danger by adopting the present system, in all its parts, as modified by the bill, with the provision that it shall not be altered but by the consent of Congress; thus giving the system equal uniformity with the present, with increased stability. With these guards, there can be

no rational doubt of the perfect competency of the States to manage successfully the administration of the public lands. They are more familiar with the subjects than Congress; would have more leisure to bestow on them; and be much less liable to be influenced in their administration by other and distracting interests. It is a fact, which will not be contested, that Congress, taken as a body, is more deficient in knowledge in relation to the public lands, than any other subject on which it is called to act; and this is not surprising, when the voluminous legislation, and the vast and multifarious character of the subject, are taken into consideration. It is notorious, that, on most subjects connected with the public lands, particularly that of claims, a large portion of both Houses have to act more on faith in the few who are acquainted with the subject, than on their own knowledge. Far different would be the case with the Legislatures of the new States; each would be familiar with the subject within the limits of the State; and as questions growing out of the lands would be the important and leading ones, the members desirous of reputation or influence would take care to make themselves thoroughly acquainted with them. To sum up the whole in a few words: Of all subjects of legislation, land is that which more emphatically requires a local superintendence and administration; and, therefore, ought preeminently to belong, under our system, to State legislation; to which this bill proposes to subject it exclusively in the new States, as it always has been in the old.

But another question, in this connection, remains to be considered. To insure a judicious and faithful administration of the lands, the States must not only be competent, but also be attentive and vigilant in their administration; which presents the question,—Is there any assurance that such would be the case? The answer to this question will depend chiefly on the interest they may have in their management; and that, again, on the share of the proceeds of the sales of

the lands to be left with them, as a compensation for their expense, trouble, and responsibility; and that brings up the inquiry,—What ought the compensation to be? It is easy to decide the question in the abstract, but not a little difficult to fix on the precise amount. There can be no doubt that it ought to be sufficiently large to identify completely the interest of the States and the Government. Such a compensation would unite their interest and the weight of their joint authority in favor of a judicious and faithful administration, by which the revenue derived from the lands would be increased, to their mutual profit, and give stability and success to the measure.

Coming, as a majority of the committee do, from the new States, they are restrained by a feeling of delicacy from offering an opinion as to the precise compensation that would be sufficient to secure these important advantages. The bill, as introduced, provides for the payment of one half of the gross annual proceeds to the Government; leaving the other to the States, for the expense, trouble, and responsibility. Without undertaking the inquiry, whether it would or would not be a sufficient allowance, they propose to strike out that portion of the bill, so as to leave it in blank, to be filled by the Senate, after full deliberation; and have, accordingly, reported an amendment to that effect.

In order to aid its deliberation in this particular, it may be proper to repeat, that the gross average amount of income from the lands embraced in the bill has been assumed to be two millions five hundred thousand dollars; and the annual expense, taken in the broad sense already explained, has been estimated at five hundred and fifty thousand dollars; which would be twenty-two per cent. on the gross income as assumed, and which, it is presumed, all will admit ought at least to be allowed. The only question that remains, is, what additional sum ought to be allowed, in order to insure that identity

of interest which is indispensable to the proper working and the complete success of the measure ?

It may possibly throw some light on the subject, and facilitate the decision, to state, that the bill to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting certain lands to certain States, which was introduced in 1832, and passed, but was vetoed by the President, allowed, in addition to the five per cent. fund, twelve and a half per cent. of the proceeds of the sales to the States within which the lands were situated, over and above their equal distributive share with the other States, of the remaining portion of their proceeds. Should that per cent. be considered by the Senate as a sufficient additional compensation, it would raise the amount retained by the States out of the gross proceeds, for their compensation, to thirty-four and a half per cent. ; and, consequently, increase the amount proposed, by the bill as it stands, to be paid by the States to the Government, from fifty to sixty-five and a half per cent. But, whether that ought to be allowed, or the one proposed in the bill, or some other intermediate one, the committee do not undertake to decide. Their object is simply to give results, in order to afford the Senate the means of judging. But they feel assured that true policy requires that the compensation should be liberal, and that however liberal it may be, within the bounds of justice and reason, the Government will be much more than compensated for any supposed loss in its finances, by the many and great advantages which would follow, in other respects.

The committee have now, after a full and calm investigation, presented the opinion they have formed of the general merits of the bill ; but, as decisive as it is in its favor, compared with the existing system, they feel that they have not yet completed their task. In order to justify a recommendation of its adoption, they must go one step farther, and show that it is preferable to the only other measure which

has been proposed on the same subject: they refer to the scheme of distributing the proceeds of the sales of the public lands among the States. They do not intend to enter into an elaborate examination of the merits of that scheme; it would be superfluous, after the full and able discussion of the subject on a recent occasion. Their object is simply to compare, briefly, the two measures, in reference to their more prominent features.

Of the two, then, the scheme of distribution is by far the most comprehensive and sweeping. It extends to the whole of the public domain, as well to that lying in the new States, as that in the territories and beyond, reaching to the Pacific Ocean, containing, as has been stated, ten hundred and eighty-five millions of acres. It proposes, as the committee understand the scheme, apparently to transfer for a limited time, but in fact for ever, the whole proceeds of this vast domain from the public treasury to the separate use of the States, without compensation. It would be, in fact, a gratuitous and unconditional cession of the whole public domain to the States, in their separate capacity. The loss of revenue to the Government from that source would be total—not less than five or six millions annually, instead of a few hundred thousands only. After what has been stated, little need be said in reference to the bill, to show the difference, in these respects, between the two measures. It is sufficient to repeat, that the bill embraces less than one sixth part of the public domain, and that, for the most part, mere remnants of an inferior quality; that the cession is, in fact, not a gift, but a conditional sale for an adequate compensation; and that its effects on the finances of the Government would be inconsiderable, even if fixed at what is proposed by the bill.

In a political point of view, the contrast is not less striking. The scheme of distribution, regarded in that aspect, would not be accompanied by a single compensation for the heavy loss to the public treasury. The business of Congress

would not be in the least contracted, nor the sessions shortened, nor the patronage of the Government diminished, nor the dependence of the new States reduced, nor the tendency to conflict between them and the old States arrested; and, so far from lessening the hazard of losing the public lands, it would be greatly increased, by bringing their interests into more direct and intense conflict.

Nor is the contrast, as to the objects of the two measures, less striking. That of distribution is to pervert a common benefit of the States in their united federative character, to the separate use of the States, in their individual character, as distinct communities; while, on the contrary, the object of this bill is to dispose of the common fund to the best advantage, regarding the States in their united federal character, and making no change, nor any reduction in the income from the lands, but such as a just regard to sound policy may demand.

The committee will conclude their report on this important measure by a few brief remarks on the only material amendment which they have proposed to the bill—that of adding a section authorizing the States, at their discretion, and within certain limits, to pass pre-emption acts. It provides that the States may, at the several stages of graduation, as provided for in the bill, give a preference to actual settlers on the land at the time of graduating, and at the graduated price, if they should enter and pay for the same within three months. They have reported this amendment from a deep conviction that the principles both of graduation and pre-emption are necessary, under existing circumstances, to the successful operation of the land system, and that, without them, this measure would be imperfect. The necessity originates in the great extent of the public domain to which the Indian titles are extinguished, and which lies open and ready to be occupied by the first comer. By reference to table marked D, it will be seen that the whole quantity of lands

to which the Indian titles have been extinguished, from the beginning of the Government to the 1st of January last, is 319,736,312 acres; of which there have been sold by the Government 81,083,191 acres, and granted to the States and individuals 12,690,334 acres; leaving yet unsold 225,962,787 acres.

In addition, it must be borne in mind that the unsold lands to which the Indian titles have been extinguished lie interspersed among the sold, and that they are scattered over a vast region of about five hundred and forty six thousand five hundred square miles—the extent of the new States and Territories; a surface equal to more than eight times that of Virginia. If to these facts we add the strong disposition that our people have to emigration, particularly the poorer and more enterprising classes, with the view of finding an independent home, and bettering their condition; and how many are without the present means of purchasing, as well as how much of the unsold land is worth less than the minimum price,—some conception may be formed of the great numbers who must in time settle on the public lands without purchasing, or possessing a legal title. It requires but little reflection to see that occupation and improvement will, in a short time, attach the feeling of property to their possessions. They, in fact, constitute the primitive right to the lands—a right preceding all paper grants or titles, and derived directly from the Author of our being. With the growth of that feeling, the right of each occupant would be regarded by all others as sacred, and not to be disturbed. It would become so strong with time, and with the growing numbers and strength of the settlers, that no one would dare to enter or purchase the land occupied. It would outrage the sense of justice of the whole body of occupants, who would make common cause, so as to endanger the safety of the bold intruder. As soon as that point is reached, no other title to the public lands would be sought or desired, but possession and

improvement; when all sales would cease, and when the right of the Government to the lands would be disregarded, and virtually superseded. The evil would be beyond the civil power; and the nature of our Government and a feeling of sympathy would forbid expulsion by military force. It will be readily perceived that this process would be accelerated and strengthened by the fact that the occupants would, under the constitutions of the States, be citizens entitled to vote for the members of their Legislatures and of the popular branch of Congress, and would thus constitute a great and powerful portion of their constituents, united in one compact body, and having one absorbing interest, directed exclusively to securing their right to the lands occupied, to the great disturbance of the regular course of legislation, both of Congress and of the State Legislatures.

That such would be the result, unless something should be done to prevent it, cannot be doubted; and the only question is, what can be done?

The first and most natural impression is, to prevent the occupation of the unsold lands. It seems contrary, at first glance, to the feelings of justice, that individuals should be permitted to occupy and use, as their own, what belongs to the whole community; and still more so, that those who are intruders and trespassers should profit by their intrusions and trespasses; and it is natural to conclude, that intruders ought to be kept off, or expelled if they take possession. But a little reflection will be sufficient to show the impracticability of this course. The vast amount of these unsold lands, extending over limits sufficient for an empire, places it beyond the civil power of the Government, or any other which would or ought to be put into its possession. It would take a whole army of marshals and deputies to be constantly employed. To think of the military power, would be out of the question. To effect it by the army, the present establishment would have to be more than doubled, at an expense

greatly exceeding the worth of the lands, to say nothing of the objections to the use of such force against a portion of our own fellow-citizens, in other points of view.

As it is, then, impracticable to prevent the occupation of the unsold lands of the Government by settlers, it only remains to mitigate an evil, if such it may be, that cannot be prevented. The committee can perceive no other means of doing it, than by a judicious system of pre-emption, and reduction of price, combined; the effect of which would be, from time to time, to induce the settlers to purchase, both by bringing the price within their means, and exciting them, from the fear of losing their settlements, to raise the purchase money by industry and economy. Hence the policy of limiting, as is provided in the amendment, the right of pre-emption, not only to lands subject to graduation, but to the respective periods of graduating. It is thus, if any way, that the number of occupants without legal titles may be reduced, and the inducements to form a combined body to maintain their possessions weakened; the evil thereby be brought within moderate limits, and the loss of the lands prevented.

The committee are of the opinion that no measure can be devised so well calculated to effect these important objects as that embraced by the bill, with the proposed amendment. It would unite the joint interest and authority of the Government and the States to maintain the system as modified by the bill; while the right secured to the States to reduce prices and grant pre-emptions, at their discretion, would place the exercise of the power in the hands of those most competent, from their knowledge of the subject, to exercise it with skill and fidelity. Each State would judge and act for itself, within the prescribed limits, without having any motive to accelerate or retard the progress of graduating, or to extend pre-emptions beyond what its interest would demand. The great advantage of this local discretion and

action will be readily understood by adverting to the great difference in the character and quality of the lands in the West and South-west, compared with the North-west, and how differently the power should be applied in the two cases. The former are covered with large and unproductive tracts of pine barrens and swamps, with a very small portion of good lands interspersed; while the great body of the other is fertile, and that which is not is, for the most part, adjacent to that which is, and has, in consequence, a value imparted to it for residence, timber, or other materials. In the one case, reduction and pre-emption may be necessary to the full extent provided for by the bill as amended; while, in the other, they may either not be applied at all, or much more sparingly. This flexibility in the application of the principle, adjusting itself to the local and peculiar condition of each State, gives a great and decided advantage, in this respect, to the arrangement embraced in the bill, over the inflexible and uniform application of the same scale of reduction and pre-emption to States so differently situated, and having such different interests, as would be the case under the existing land system.

The committee, having presented the result of their deliberations on the general merits of the measure proposed, have, in conclusion, to state that their report has been drawn up on the supposition that expenditures in the new States, by this Government, for internal improvements, would cease should the bill pass; and have, accordingly, included them, in the estimates of expenditures, as constituting a corresponding saving to the General Government.

A.

Statement of the public lands, exclusive of those situated in the Territories, made up to January 1, 1840.

STATES.	Sold.	Granted for various purposes.	Unsold, including lands unsurveyed.	Purchase money received for lands sold.	Surveyed.	Unsurveyed.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Ohio,	12,936,830.31	1,842,911.72	1,776,210.69	22,467,036.81	16,555,952.17	
Indiana,	15,158,702.91	1,074,163.65	4,396,494.09	19,326,301.22	20,227,108.59	407,164.41
Illinois,	11,336,621.45	1,537,317.68	19,059,797.55	14,207,046.39	27,611,564.46	4,322,171.54
Missouri,	7,217,167.62	1,212,426.00	31,811,840 38	9,553,588.91	27,861,982.00	12,419,454.00
Alabama,	10,425,489.95	1,363,832.00	19,910,148.05	16,893,459.88	29,889,810.19	1,809,659.81
Mississippi,	9,543,409.87	833,550.00	11,543,826.13	12,923,154.81	20,791,826.32	1,128,959.68
Louisiana,	2,840,361.36	613,789.00	16,983,408.64	3,816,963.87	14,067,101.18	6,370,557.82
Michigan,	9,159,898.48	969,759.00	*20,988,734.52	11,524,947.44	19,665,957.39	11,452,434.60
Arkansas,	2,464,710.02	976,896.00	28,027,304.98	3,110,897.87	16,172,188.62	15,296,722.38
Total,	81,083,191.97	10,424,645.05	154,497,765.03	113,823,397,20	192,803,490.92	53,207,124.24
Granted for military bounties,		5,831,095.00				
Special grants,		258,301.00				
Total grants,		16,514,041.05				

* This is exclusive of 8,932,440 acres, not yet ceded to the United States, in Michigan, and about five or six hundred thousand in Ohio and Indiana; making, in all, about nine millions and a half.

B.

Estimate of the probable expense incident to the management of the public lands embraced in the bill, if the present system should continue, based on data derived from its past operations.

For surveying and selling (see annexed estimate, No. 1), ...	$8,112,251
For extinguishing Indian titles (see annexed statement, No. 2), ...	2,841,236
For grants and donations, except every 16th section for school lands, based on the actual quantity heretofore granted, estimated at $1 25 per acre, and on the supposition that the grants and donations will be as great hereafter, in proportion to the quantity to be sold, as they have been for that sold, .	7,017,540
For internal improvements, excluding expenditures on the Mississippi and Ohio, and including the Cumberland road, deducting the two per cent. fund applicable to that road, ...	6,939,274
For additional expense of Congress in legislating for the new States, based on the average expense of the last ten years, amounting to a fraction over $770,000 annually (see annexed statement, No. 3); and on the supposition that one seventh of the expense was chargeable to that branch of legislation, which would make annually $110,000, and, multiplied by 80, the number of years required to dispose of the lands embraced in the bill, would amount to . . .	8,800,000
Add for 5 per cent. fund, proposed by the bill	

to be surrendered by the States, on the sum of $204,285,256, the estimated amount of unsold lands in the new States, at $1 25 per acre (see annexed statement by the Commissioner), ...	10,214,262
Making a total expenditure, including the 5 per cent. fund, for the 80 years required for selling the public lands in the new States, of	$44,094,563

Which, divided by 80, the length of time supposed to be necessary to dispose of the whole lands embraced in the bill, would give for the average annual sum a fraction above $550,000.

No. 1.

Estimate of the expenses for surveying and selling the lands yet remaining in the States, made by the Commissioner of the General Land Office.

Cost of surveying and platting *62,139,564 acres, at $1 96, ...	$1,216,935	45
Compensation of the registers and receivers on 163,430,205 acres, at $1 25— *204,285,256 acres, at $3 05, .	6,230,700	31
Expenditures of the General Land Office on *163,430,205 acres, at $4\frac{1}{11}$ mills, .	664,616	17
Total, ...	$8,112,251	93

* These amounts include the 8,932,440 acres not yet ceded in Michigan.

To which should be added the probable cost of purchasing the Indian title to 8,932,440 acres in Michigan.

No. 2.

WAR DEPARTMENT, *Office Indian Affairs, April 18th*, 1840.

SIR,—In reply to your note of this date, I have the honor to state, that "the probable expense of extinguishing the" titles of the Wyandots to the lands now occupied by them in Ohio is estimated at $134,770; of the Miamies, to their lands in Indiana, $1,009,600; and of the Chippewas, to their lands in Michigan, $1,339,866. In making these estimates, I have been guided by the amounts lately paid to the several tribes for cessions of similar lands.

The cost of emigrating the Wyandots, who number about 600, is estimated at $33,000, or $55 per head; and of subsisting them for one year in their new country West, $20,000: for the emigration of the Miamies, about 1,100 in number, at $50 per head, $55,000; and subsistence, $36,666⅔: for the emigration of the Chippewas, who are supposed to number about 1,200, at $60 per head, $72,000; and subsistence, $40,000. I have embraced the cost of subsistence in this statement, as this expense, of late years, has invariably attended the removal of Indian tribes. No computation has been made of the value of lands which must necessarily be assigned to them West.

Very respectfully, your most obedient servant,

T. HARTLEY CRAWFORD.

No. 3.

TREASURY DEPARTMENT, *Register's Office, April 18th*, 1840.

SIR,—The amount drawn from the Treasury, during the last ten years, on account of the compensation and mileage of the members of the two Houses of Congress, the salaries of their officers, for their contingent and all other expenses, including the library, was as follows, viz.:

In 1830, ...	$692,754 16
1831, ...	394,282 42
1832, ...	871,813 68
1833, ...	469,073 83
1834, ...	943,151 13
1835, ...	729,317 28
1836, ...	916,819 86
1837, ...	903,754 58
1838, ...	1,289,286 50
1839, ...	502,543 14
	$7,712,796 58

I have the honor to be, sir, your obedient servant,

T. L. SMITH.

C.

Statement showing the aggregate quantity of public lands of the United States which had been sold on the 30th of September, 1837; also the quantity which remained unsold on the same day; all of which were at various times offered at public sale, from the earliest period of the sales to the 1st of January, 1833, exclusive of the Territories.

	Twenty years and over.		From 15 to 20 years.		From 10 to 15 years.		From 5 to 10 years.	
	Public lands offered for sale prior to, and in the year 1817.		Public lands offered for sale in 1818 to 1822, inclusive.		Public lands offered for sale in 1823 to 1827, inclusive.		Public lands offered for sale in 1828 to 1832, inclusive.	
	Sold.	Unsold.	Sold.	Unsold.	Sold.	Unsold.	Sold.	Unsold.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Aggregate, exclusive of Territories.	17,982,907.46	14,276,156.15	20,103,504.76	21,929,436.88	9,820,057.80	15,085,052.11	10,862,381.32	15,714,902.32

D.

Exhibit of the aggregate quantity of land ceded to the United States, showing the quantity not disposed of in each State and Territory on the 30th of September, 1838, and which will be subject to the operation of any system of graduation or distribution that may be adopted.

State or Territory.	Estimated quantity in each State and Territory to which the Indian title has been extinguished.	Total grants for schools, canals, and other objects.	Quantity sold on the 30th of September, 1838.	Balance remaining, after deducting lands granted and sold.*
	Acres.	*Acres.*	*Acres.*	*Acres.*
Ohio,	16,555,952	1,842,911	12,602,636	2,110,405
Indiana,	20,457,393	1,074,163	14,262,957	5,120,273
Illinois,	31,983,736	1,537,317	9,786,594	20,609,825
Missouri,	40,241,436	1,212,426	5,870,023	33,158,987
Alabama,	31,699,470	1,363,832	10,212,233	20,123,405
Mississippi,	21,920,786	833,550	9,291,795	11,795,441
Louisiana,	20,437,559	613,789	2,056,890	17,766,880
Michigan,	31,118,392	969,757	8,986,450	21,162,183
Wisconsin,	29,863,925	1,000,753	1,085,228	34,664,031
Iowa,	7,082,832	196,745		
Arkansas,	31,468,911	976,896	2,231,272	28,260,743
Florida,	36,755,840	1,068,195	748,743	34,938,902
Total,	319,536,232 200,080†	12,690,384	77,134,821 3,948,370‡	229,711,075
	319,736,312		81,083,191	

* These quantities include private claims in the *unsurveyed portion*, which could not be estimated for want of the proper data.
† Add for Indian titles, since extinguished, 200,080 acres. See letter annexed. ‡ Since sold, to January 1, 1840.

WAR DEPARTMENT, *Office of Indian Affairs, April 27th*, 1840.

DEAR SIR,—In reply to your note of this date, I have the honor to state that, since September, 1838, and prior to January 1st, 1840, the Indian title to 200,080 acres of land was extinguished, viz.: 177,000 acres in Indiana, by the treaty of November, 1838, with the Miamies; 40 acres in Michigan, by the treaty of February, 1839, with the Saginaw tribe of Chippewas; and 23,040 acres in Wisconsin: to which a fee-simple title was given to the Brothertown Indians by the act of the 3d of March, 1839.

Respectfully and truly yours,

T. HARTLEY CRAWFORD.

Hon. JOHN NORVELL, *Senate of the United States.*

MR. CALHOUN'S LAND BILL.

A Bill to cede the public lands within the limits of the new States, on certain conditions therein mentioned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the public lands within the States of Alabama, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Indiana, Ohio, and Michigan, with the exceptions of the sites of fortifications, navy and dock yards, arsenals, magazines, and all other public buildings, shall, after the thirtieth day of June, eighteen hundred and forty-two, be ceded to the States within the limits of which they are respectively situated, they having previously complied with the following conditions:

First. That the said States shall severally pass acts, to be irrevocable, that they will annually pay to the United

States [fifty] per cent. on the gross amount of the sales of such lands, including under sales, grants, and donations by the States, estimating the lands at the selling price at the time of the grant or donation, on or before the first day of February of each succeeding year.

Secondly. That the minimum price, as now fixed by law, shall remain unchanged until the thirtieth day of June, aforesaid; but after that period the price may be reduced by the States respectively, according to the following scale: all lands theretofore offered at public sale, and then remaining unsold ten years or upward, preceding the thirtieth day of June, aforesaid, may be reduced by said States to a price not less than one dollar per acre; and all lands that may have been offered at public sale, and remaining unsold fifteen years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may thereafter be reduced by said States to a price not less than seventy-five cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may then be reduced by said States to a price not less than fifty cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty-five years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may thereafter be reduced by said States to a price not less than twenty-five cents per acre; and all lands that may have been offered at public sale, and remaining unsold thirty years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, shall be ceded immediately to the States in which said lands are situate: *Provided*, That all lands which shall remain unsold after having been offered at public sale for ten years, and which do not come under the above provisions, shall be subject to the provisions of graduation and cession aforesaid, at the respective periods of ten, fifteen, twenty, twenty-five, and thirty

years, after said sale, commencing from the expiration of ten years after the same had been offered at public sale.

Thirdly. That the lands shall be subject to the same legal subdivisions in the sale and survey as is now provided by law, reserving for each township the sixteenth section, or the substitute, as heretofore provided by law; and the land not yet offered for sale shall be first offered by the State at public auction, and be sold for cash only, in the manner now provided by law. And any land now or hereafter remaining unsold after the same shall have been offered for sale at public auction, shall be subject to entry for cash only, according to the graduation which may be fixed by the States respectively, under the provisions of this act; and that the acts of Congress which may be in force at the time of assenting to this act shall remain unchanged, except as modified by this act, unless with the assent of Congress.

Fourth. This cession, together with the portion of the sales to be retained by the States respectively, under the provisions of this act, shall be in full of the five per cent. fund, or any part thereof, not already accrued to any State; and the said States shall be exclusively liable for all charges that may hereafter arise from the surveys, sales, and management of the public lands, and extinguishment of Indian title, within the limits of said States respectively.

Fifth. That, on a failure to comply with any of the above conditions, or a violation of the same, on the part of any of the said States, the cession herein made to the State failing to comply with or violating said conditions, shall be thereby rendered null and void; and all grants or titles thereafter made by said State, for any portion of the public lands within the limits of the same, ceded by this act, shall be, and are hereby declared to be, null and void, and of no effect whatever.

SEC. 2. *And be it further enacted*, That, upon every reduction in the prices of said lands which shall take place by

the graduating process of this bill, the Legislatures of the several States in which the lands are situated shall, at their discretion, have power to grant to the respective occupants or settlers upon any of said lands rights of pre-emption at such graduated or reduced prices; which rights shall extend to a period of ninety days from and after the dates at which the respective graduations shall take place; and any lands not taken up by the respective occupants or settlers within that period, shall be liable to be entered or purchased by any other person until the next graduation or reduction in price shall take place, when it shall, if not previously purchased, be again subject to the right of pre-emption for ninety days as before, and so on from time to time as said reductions shall take place.

SEC. 3. *And be it further enacted*, That whenever the President of the United States shall be officially notified that any of the States aforesaid has passed an act in compliance with the above conditions, it shall be his duty, after the thirtieth day of June aforesaid, or forthwith after the passage of said act, if passed subsequent to that period, to adopt such measures as he shall think proper to close the land offices, including the surveying department, within the limits of said State; and that the commissions of all officers connected therewith shall expire on a day to be fixed by him, but which day shall not be beyond six months after the thirtieth day of June aforesaid, or, if subsequent thereto, from the day he received the official notification of the passage of said act.

SEC. 4. *And be it further enacted*, That on such notification being made, the said State shall be relieved from all compacts, acts, or ordinances imposing restrictions on the right of said State to tax any lands by her authority subsequent to the sale thereof, ceded by this act; and all maps, titles, records, books, documents, and papers, in the General Land Office at Washington, relative to said lands, shall be

subject to the order and disposition of the Executive of said State.

SEC. 5. *And be it further enacted*, That all lands of the United States within the limits of the State of Tennessee, with the exceptions enumerated in the first section of this act, shall be, and the same are hereby, ceded to said State.

REPORT

On the Memphis Memorial, submitted to the Senate, June 26th, 1846.

The Special Committee, to whom was referred the memorial of the Memphis Convention, have had the same under consideration, and submit for the consideration of the Senate the following report :—

It appears, from the memorial, that the convention met in Memphis, Tennessee, in November last; that it consisted of five hundred and eighty-three members from the States of Pennsylvania, Virginia, the two Carolinas, Florida, Alabama, Louisiana, Texas, Mississippi, Tennessee, Arkansas, Missouri, Kentucky, Illinois, Indiana, Ohio, and the Territory of Iowa, making sixteen States and one Territory; and that its object was to confer on the measures which should be adopted for the development of the resources of the valley of the Mississippi, and the adjacent States on the Gulf of Mexico and the Atlantic coast. It also appears that its deliberations terminated in the adoption of twenty resolutions, among which the most prominent relates to the improvement of the navigation of the Mississippi and its great navigable tributaries, including the deepening of the bar at its mouth, and its connection with the lakes by a ship canal; the security and de-

fence of the commerce between the Gulf of Mexico and the Atlantic coast; the reclamation, by embankments, of the public lands subject to inundations on the Mississippi and its tributaries, and the connection of its valley and the southern Atlantic States by a system of railroads.

What your committee propose is to present its views on each of these subjects, taking them in the order in which they stand.

Of these several objects, the improvement of the navigation of the Mississippi, including its great navigable tributaries, is by far the most important, and has accordingly received their particular attention. That great stream is the channel through which, by the aid of steam, cheap and speedy transit and intercourse are effected, not only between all parts of its immense valley, but also between it and the rest of the Union and the commercial world: and to this cheap and speedy transit and intercourse are to be attributed, even more than to its fertile soil and great resources, its almost miraculous increase in population, wealth, and improvement. So great have they been, that what, sixty years ago, was one vast region, with little exception, of forest and prairie, over which a few hundred thousand savages wandered, has now a population of but little less than nine millions, with great and flourishing cities, abounding in opulence, refined in manners, and possessed of all the comforts and even elegances of old and polished communities.

But, as great as this increase and improvement have been, they are nothing compared with what may be expected in the next sixty years. They advance with an accelerated rapidity. The whole population in the entire region drained by the Mississippi did not, according to the first census (1790), exceed 200,000. According to that of 1800 it had increased, in round numbers, to 560,000. In 1810 it had increased, in like numbers, to 1,370,000; in 1820, to 2,580,000; in 1830, to 4,190,000; in 1840, to 6,370,000;

and in 1846, to 8,920,000, estimated according to the ratio of increase between the census of 1830 and that of 1840. Estimating it at the same rate, it would in 1856 exceed twenty millions; and in 1866, forty millions. It is, however, scarcely possible for the increase to keep pace with the present ratio; but, after making ample allowance for its retardation with the increase of population, it may be regarded as a safe calculation that the population of the valley will reach twenty-five millions in the next twenty years, forty in the next forty years, and sixty in the next sixty years, unless some shock should occur which would convulse or overthrow our political institutions.

But, as rapid as has been the increase of its population, its commerce has been still more so. It is stated, on what may be regarded as good authority,* that, so late as 1817, "the whole commerce from New Orleans to the upper country was transported in about twenty barges of one hundred tons each, and making but one trip per year. The number of keel-boats employed on the upper Ohio could not have exceeded one hundred and fifty, of thirty tons each, and making the trip from Pittsburg to Louisville and back again in two months, and about thrice in the season. The tonnage of all boats ascending the Ohio and the lower Mississippi was then about 6,500." The same authority states the number of steamboats employed in navigating the Mississippi and its tributaries in 1843 to be four hundred and fifty; their average tonnage to be about two hundred; their aggregate tonnage to be ninety thousand; their value per ton to be eighty dollars; their aggregate value to be seven million two hundred thousand dollars; the persons engaged in navigating them to be fifteen thousand seven hundred and fifty; and the ex-

* The memorial of the citizens of Cincinnati, relative to the improvement of the navigation of the Mississippi and Ohio Rivers, 3d session 27th Congress, H. R. Doc. No. 124.

penses incidental to their navigation to be twelve million two hundred and eighty thousand dollars. It estimates the number of flat-boats engaged in the same navigation at four thousand, and the persons employed in navigating them at twenty thousand, and the annual cost and expense of building and navigating them at one million three hundred and eighty thousand dollars. It also estimates the amount of freight, on the supposition the boats go full freighted, at $2,000,000 annually, and the annual value of the products of the valley transported on the river and its tributaries at $120,000,000, and that from other portions of the Union and foreign countries at $100,000,000 ; making, in the aggregate, $220,000,000.

Such was the estimate of the commerce of the Mississippi, including its tributaries, made by an intelligent committee to the citizens of Cincinnati, at the beginning of the year 1843. It has greatly increased since, short as is the interval, with the rapidly increasing population and wealth of its valley. It appears, by the last annual report of the Treasury Department on the Commerce and Navigation of the United States, that their steamboat tonnage on the western waters on the last of June, 1845, was 159,713 tons. It appears, from the same document, that the number built during the year ending the 30th June, 1845, on those waters, was 119 ; making, in the aggregate, 19,633 tons, and an average of a fraction more than 173 to a boat, instead of 200, as estimated by the Cincinnati committee. Assuming that to be the average tonnage of the boats belonging to the river, their number then would be 888, and their number now may be estimated safely at 900 boats, and their tonnage at 161,787.

Assuming, then, the number of persons employed in navigating the Mississippi and its tributaries, and the expense of the navigation, and the value of the boats and cargoes, to be what the Cincinnati estimates make it, and that

their estimates are correct, the present annual value of the commerce of the river and its tributaries would exceed three hundred millions of dollars. But however great it may be, it is but the beginning. If the commerce of the valley shall increase in proportion with its population, and nothing should occur to impede that, it will in a short time be more than quadrupled. Looking beyond, to a not very distant future, when this immense valley, containing within its limits* 1,200,000 square miles; lying, in its whole extent, in the temperate zone, and occupying a position midway between the Atlantic and Pacific Oceans; unequalled in fertility and the diversity of its productions; intersected in every direction by this mighty stream (including its tributaries), by which it is drained, and which supply a continuous navigation of upwards of 10,000 miles,—with a coast, including both banks, of twice that length,—shall be crowded with population, and its resources fully developed, imagination itself is taxed in the attempt to realize the magnitude of its commerce. Such is the present state of the commerce of the Mississippi, including its tributaries, according to the best data that can be obtained, and such its future prospects.

But as great as are the advantages which its waters afford to the transit and intercourse of its vast valley, its navigation is subject to serious and heavy drawbacks. Few rivers are more rapid and dangerous. It is obstructed, not only by obstacles common to almost all streams—shoals and sand-bars—but its channel is thick set, in many places and for a long distance, with trunks of trees, called snags, firmly fixed in the bed of the river, with their points projecting at an angle well calculated to penetrate the bottom of a vessel which may be so unfortunate as to strike against them. And what adds to the danger, many of them have their points so far below

* This, and all other statistical estimates where the authority is not stated, were obtained from the appropriate department of the Government.

the surface as not to be visible, but at the same time so near as to pierce the vessel which may come into contact with them. From these and other causes, the annual loss by the destruction of boats, with their cargoes, or from damage to both, including the loss of life on the part of passengers and crew, is very great.

It is much to be regretted that no certain information can be had of the amount of either loss or damage. The fullest and most satisfactory data which your committee has been able to obtain, is contained in a supplemental statement of a report of the Secretary of the Treasury, transmitting a copy of a letter from the surveyor of the port of St. Louis.* It appears from this letter, that, of the 126 steamboats enrolled at St. Louis, and trading with that port during the years 1841 and 1842, 29 were lost. Of these, 25 were sunk; and of them 20 proved a total loss, and 5 were raised. Of the 29 lost, 16 were sunk by snags, 4 by rocks, and 2 by ice, 1 by storm, 2 by collision, 1 by log, and 3 burnt. The total loss is estimated, including destruction and damage of boats and cargoes, at $876,700, and the loss of lives at 42. The value of the boats is put down at $1,529,200 (but this is stated to be much short of their real value), and the number of hands employed at 2,916. There is no estimate made of the value of the cargoes. Assuming the statement to be correct, and that the hazard of the two years represents fairly the general hazard of the steamboat navigation of St. Louis, and that again the general hazard of the navigation of the Mississippi, including its tributaries, which, from its position, and the wide extent of its commerce, is probably not far from the truth, it would make the total average annual loss of steamboats engaged in its navigation to be a very small fraction less than 11½ per cent.; the loss by snags to be a little less than 6½ per cent.; and that by snags,

* House Doc. No. 170, 3d session 27th Congress.

rocks, and logs (that is, of obstructions susceptible of being removed), to be very nearly 8 per cent. These data would make the annual aggregate loss of boats navigating the Mississippi and its waters at the present time (estimating the number at 900) to be 107½ from all causes; of which 57 would be from snags, and 75 from snags, logs, and rocks. Estimating the average value to be $12,136 per boat (the average of the St. Louis estimate), it would make the annual aggregate loss to be $1,306,100 from all causes; of which $606,800 would be from snags, and $910,200 from snags, logs, and rocks. Assuming the loss and damage of the cargo to be equal to the loss of the boat (it is put down as rather more in the St. Louis estimate), it would make the aggregate annual loss from all causes $2,601,200; from snags, $1,203,600; and from snags, rocks, and logs, $1,820,200.

As great as the amount of these losses may appear to be, they would seem to be under, rather than above, the reality, when compared with the estimate of the Cincinnati committee, after making due allowance for the increase of the commerce of the Mississippi and the number of steamboats employed in transporting it since the time they made their report, as the following extract will show. It states that "between the 11th of September and the 15th of October in the present year (1843) the losses on the Mississippi, between St. Louis and the mouth of the Ohio, a distance of only 180 miles, were $234,000. Within the last seventeen months there have been lost 72 steamboats, worth $1,200,000, besides their cargoes, which were of great value.

"The losses paid by the insurance offices in Cincinnati alone, on boats and cargoes, during a period of five years from November, 1837, to November, 1842, including only the losses by obstructions in the navigation, and excluding all losses by explosion, collision, fire, and other causes, have been $442,930 89. As insurance is made also at Pittsburg,

Louisville, Nashville, St. Louis, Wheeling, Natchez, New Orleans, and at some of the smaller towns, the above sum might be multiplied by seven, to arrive at something like a fair approximation of the losses sustained by underwriters from the dangerous condition of the navigation; and the result would be three millions of dollars,—or six hundred thousand dollars per annum. If to this be added the losses from the same cause, on which there was no insurance, the amount would be not less than one million of dollars per annum. One million of dollars per annum is actually taxed on the commerce of the West for losses sustained in consequence of obstructions which might be wholly removed by an appropriation by Congress of a comparatively trifling sum! An additional fact, showing the danger of this navigation, is, that many offices have declined to insure the hulls of boats, and such risks are only taken on the best boats, and at rates varying from 12 to 18 per cent. The insurers are said to lose money at even these enormous rates. The amount, then, of the annual risk on the $7,200,000 invested on steamboats alone, is more than one million of dollars."

If there was no other evidence of the vast amount lost, the high rate of insurance, which is stated at from 12 to 18 per cent. per annum on boats,—and in reference to which there can be no material error,—would of itself conclusively show that the data furnished by the St. Louis statement do not make the annual loss greater than the reality. The lowest rate per cent. of insurance would indicate a loss annually of $3,600,000 on the estimated amount of the commerce of the river.

To this great loss of property must be added that of lives from the hazard of its navigation; but the means for making an estimate any thing like approaching accuracy are so imperfect, that it will not be attempted. It is known to be very considerable. The St. Louis statement gives 21 per annum for 126 boats, which would make about 135,

on the estimated number of boats now engaged in navigating the Mississippi and its waters.

This great loss, both of property and life, will go on progressively increasing with the commerce of the valley, unless something should be done to render the navigation of the river more safe. Assuming that its commerce will keep pace with the increase of population, and that the hazard will continue to be as great as it now is, the annual loss would be, in all probability, three times as great at the end of the next twenty, and five times at the end of the next forty years.

That the navigation of the river should be rendered more safe, and that the present heavy loss—and the still heavier which may be anticipated hereafter, with the increase of its commerce—should be lessened by the removal of the causes of the danger, if it be practicable, will be readily admitted by all. That the principal causes—snags, logs, and rocks—can be removed in part, or whole, and that their removal would greatly diminish the hazard of its navigation, and facilitate its commerce, is unquestionable. Much, indeed, has been done already, and with highly beneficial results, in removing the greatest, by far, of all the causes of danger—snags—as the following extract from the Cincinnati report will show:—

"This branch of the subject" (removal of snags) "has already received the attention of the Government, and the results of the experiments instituted have been entirely satisfactory. The snag-boat constructed under the direction of the Government has been successful in removing these obstacles at a very trifling expense, and with great facility. The boat is of simple construction, yet has such power that the largest tree, however firmly fixed, is removed in a few minutes. A number of these ingenious vessels were employed for several years with such success that thousands of snags were removed from the Ohio and Mississippi, the most dangerous places were rendered perfectly safe, and the whole

navigation made completely free from this formidable evil. In the year ending in September, 1833, 1,960 snags were taken up from the Mississippi, and the chances of danger diminished by at least that number. The crews of the boats were employed within the same year, when the water was too high to permit their working on the bed of the river, in felling the overhanging trees which stood on banks liable to be undermined, and removed 10,000 trees, which must soon have been precipitated into the current.

"From 1822 to 1827, the loss of property on the Ohio and Mississippi by snags alone, including steam and flat boats, and their cargoes, amounted to $1,362,500. The losses on the same items from 1827 to 1832 were reduced to $381,000, in consequence of the beneficial action of the snag-boats; and those losses were still further reduced in the years immediately succeeding by the diligent prosecution of the same service.

"We are not aware of the causes which have induced to the discontinuance of this valuable service, but we know that the consequences have been most disastrous. For several years past the appropriations for the snag-boats have been so small as to render that service wholly inefficient; and the snags have accumulated with fearful rapidity in all the western rivers, while the increasing amount of commerce and number of boats have swelled the danger and the losses to an appalling extent. The most fruitful causes of these losses are the snags, a species of obstruction which we have shown to be completely within the control of the Government; and we therefore respectfully urge the propriety of an immediate and energetic action by the Government, in reference to this subject, by the construction of as many snag-boats as may be necessary, and an annual appropriation for keeping these boats in the regular service of the nation from year to year."

Your committee regard the facts stated by the abstract

conclusive as to the practicability and great benefit of freeing the navigation of the Mississippi, including its tributaries, of snags. If limited appropriations for a few years could so greatly lessen the danger, and do so much for the safety of its commerce, by their removal, it cannot be doubted that larger appropriations, continually, systematically, and judiciously applied, could free it altogether, or nearly so, from all danger of the kind. Nor can it be doubted that the same power which could free it of danger from snags could also from that of logs. Nor would it seem impracticable to free its channel, by blasting or some other way, of occasional rocks, which in places endanger its navigation. The joint effect of the whole would diminish the hazard of its navigation 75 per cent., according to the St. Louis estimate, while it would, at the same time, add greatly to its facility and speed, and thereby, as well as from its greater safety, lessen greatly the cost of freight and passage.

Having now shown the vast and rapidly increasing value of the commerce of the Mississippi, including its tributaries, —the very great losses to which it is subject,—the practicability of removing the principal causes of them, and thereby greatly increasing the safety and facility of its navigation, —your committee are brought to the important question,— By whom are they to be removed ? or, to express it more broadly and fully,—Who has the power, and whose duty is it, to improve the navigation of the Mississippi and its great tributaries ?

It is certainly not that of individuals. Its improvement is beyond the reach of their means and power. Nor is it that of the several States bordering on its navigable waters : it is also beyond their means and power, acting separately. Nor can it be done by their united and joint action. There are sixteen States, and two Territories that soon will be States, lying either wholly or partly within the valley of the Mississippi, and there still is ample space for several more. These

all have a common interest in its commerce. Their united and joint action would be requisite for the improvement of its navigation. But the only means by which that could be obtained is expressly prohibited by the 10th section, 1st article, of the Constitution, which provides that "no State shall enter into any treaty, alliance, or confederation." But if neither individuals, nor States acting separately or jointly, have the power to improve its navigation, it must belong to the Federal Government, if the power exists at all; as there is no other agency or authority in our system of government by which it could be exercised. But if it does, it must be comprised among the expressly granted and enumerated powers, or among those necessary and proper to carry them into effect, as under the one or the other all the powers belonging to it are to be found. And thus the question is presented for consideration,—Is it to be found in either? The decision involves important consequences. If it is not, then this great branch of our commerce—already among the greatest, and destined, in a short time, far to exceed every other—will be left exposed to the great hazard and enormous losses to which it has been shown to be subjected, without any power in the system any where to provide for its safety, although millions might be annually saved by a comparatively small expenditure, as experience has proved. Whether such be the case or not, your committee will next proceed to consider.

Whether the Federal Government possesses the power or not, it is certain it has heretofore acted on the supposition that it did, as the numerous acts of Congress for the improvement of the navigation of the Mississippi, including its principal tributaries, abundantly prove. Under what power the appropriations were made, and the money expended, does not distinctly appear; but it is believed that it was under, what is usually called, the money power—that is, the power delegated to Congress "to lay and collect taxes, duties, im-

posts, and excises; to pay the debts and provide for the common defence and general welfare of the United States."*

Your committee, after the most mature deliberation, are of the opinion that this power does not authorize Congress to appropriate and expend money, except as a means to carry into effect some other specifically delegated. In coming to this conclusion, they concede that the provision not only delegates the power to lay and collect taxes, but also that to appropriate and expend the money collected to pay the debts and provide for the common defence and the general welfare of the United States. Such they believe to be the plain import of the words. Indeed, they cannot see how any other construction can be put on them without distorting their meaning. But they deny that there is, in constitutional language, any general welfare of the United States but such as belongs to them in their united or federal character as members of the Union. The general welfare, in that language, is the welfare which appertains to them in that character, in contradistinction to their welfare as separate and individual States. Thus interpreted, the general welfare of the United States cannot extend beyond the powers delegated by the Constitution, as it is only to that extent that they are united or have a federal character. Beyond this they constitute separate and distinct communities, and, as such, have no union, nor common defence, nor general welfare, to be provided for. It follows, as a necessary consequence, that no power can be derived from the provision which would authorize the appropriation or application of money by Congress, except to carry into effect the powers delegated. Money, indeed, is the great and almost universal power, or rather means by which others are carried into execution; and, because it is so, is the reason why the power to raise and appropriate it was specifically delegated, instead of be-

*10th section, 1st article, Constitution.

ing left to be inferred, like the other implied powers, or means to carry the delegated into execution. It was in a word too great and important, viewed as means, to be left to inference. Without it the Government could not be carried on. Viewed, on the contrary, as a power to be used without reference to the powers specifically delegated to carry into execution whatever Congress, in its discretion, may think to be calculated to provide for the common defence, or general welfare, would not only reverse what was intended in delegating it, but make the Government, in practice, one of unlimited powers.

Nor would it weaken the force of the argument to substitute "national objects" for the general welfare, as is usually done by those who believe the power to extend beyond the limits which your committee have assigned. It is, indeed, but the substitution of an expression, unknown to the Constitution, for the one which it uses, and which is not consistent with the character of the system of government it constituted. Ours is a union of sovereign States for specific objects. As members of the Union, they constitute not a single State or nation, but a constellation of States or nations; and hence its powers, and the objects for which it was formed, are appropriately called federal, and not national. But, whether the one or the other term be used, the reason already assigned to show why the general welfare, in constitutional language, does not extend beyond the welfare of the States in their united or federal character, that is, beyond the powers delegated by the Constitution, is equally applicable. Nor would it be less applicable, be the character of the Government what it may, whether federal or national, or partly federal and partly national. Be it one or the other, it is so only to the extent of the powers delegated, and to that extent only,—be it which it may,—is there a general welfare or a common defence to be provided for. All beyond

would appertain to the States in their separate and individual character.

Nor can your committee concur in the opinion of the Memphis Convention, that to provide for "the defence of the country in time of war," or, to express it in constitutional language, "to provide for the common defence," authorizes the exercise of the power. They regard the expression, like that "to provide for the general welfare," to be not a delegation of power, but a mere general designation of the powers specifically delegated to the Government for the purpose of defending the country, and which are enumerated in the after part of the same section. They are, to declare war; grant letters of marque and reprisals; to make rules for captures on land and water; to provide and maintain a navy; to raise and support armies; to make rules for the government of the land and naval forces; to provide for calling forth the militia, to execute the laws of the Union, suppress insurrections, and repel invasions; to provide for organizing the army and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; to exercise authority over all places purchased, with the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

Such are the powers conferred on Congress for the purpose of providing for the common defence. On a careful examination of the whole, your committee are not able to designate one, the carrying of which into execution would authorize the appropriation and expenditure of money for the improvement of the navigation of the Mississippi or any other stream. That its improvement would aid materially in the defence of the country, they readily admit; but so would a good system of railroads, or any measure which would contribute to develope the resources and capacity of the country, physically, intellectually, or morally. There can no addition be made

to the wealth of the country, the increase of its intelligence, or the improvement of its morals, which would not add to its capacity to defend itself. But it is obvious that, to admit a construction which would have the effect to embrace all measures calculated to have such effect, under any or all of these powers, would be to confer on the Federal Government unlimited powers.

Having now shown that the power to raise money and to appropriate and expend it is confined to carrying into execution the delegated powers, it remains to be considered whether there is any power delegated to the Federal Government, the carrying of which into execution would authorize appropriations and expenditures for the improvement of the navigation of the Mississippi and its waters?

Your committee, after full and mature consideration of the subject, are of the opinion that there is, and that it is to be found in the power "to regulate commerce with foreign nations and among the several States," and more specifically in that to regulate it among the States. In order to understand the reasons which have brought them to this conclusion, it will be necessary to explain what they believe to be the nature and extent of the power conferred on Congress by the provision to regulate commerce among the States; which, without further preliminary remarks, they will next proceed to do.

They, then, are of the opinion, that whatever may be the extent of the power conferred by the terms "to regulate commerce," which they will consider hereafter, the words "among the States" restrict the power to the regulation of the commerce of the States with each other, as separate and distinct communities, to the exclusion of its regulation within their respective limits, except so far as may be indispensable to its due exercise. Their effect, in other words, is to restrict the power delegated to Congress, to regulate commerce among the States, to their external commerce with each other as

States, and to leave their internal commerce, with the exception above stated, under the exclusive control of the several States respectively. Such, in their opinion, is the plain and literal meaning of the words. That they are intended to restrict the power, is certain; but, if that be admitted, it would seem impossible to give any other construction to them, which would not be either so rigid, on the one side, as to deprive them of all meaning, or, on the other, so liberal as to subject the entire commerce of the States, internal as well as external, to the control of Congress. To this it may be added, that the construction which they give accords with the reasons which governed the framers of the Constitution in delegating the power to regulate commerce with foreign nations and among the States, as a recurrence to the history of the causes which led to its formation will clearly show.

It is well known that the present Constitution was adopted to remedy the defects of the old articles of confederation. Among them, none were found more embarrassing, or having a stronger tendency to weaken the Union in its foreign relations, or to alienate the attachment of the States from each other, and bring them into collision, than the power they possessed under the confederation of regulating commerce, with the exception that no State should enter into any treaty, confederation, agreement, or alliance, with any foreign power or other State, without the consent of Congress, or should lay imposts or duties which may interfere with treaties entered into between the United States and foreign powers. Even this was qualified by a proviso, which prohibited Congress from making any treaty, by which the States would be prevented from laying such imposts and duties as they might think proper to impose on their own citizens, or from prohibiting the exportation of any species of goods or commodities whatever.

The embarrassments, distraction, and hazard of collisions,

growing out of the exercise of the power thus reserved to the States respectively to regulate their commerce with foreign nations and with each other, were so great and alarming, as, in the opinion of the reflecting and patriotic, to demand a speedy and effectual remedy, and contributed, more than any other cause, to the calling of the convention which formed the Constitution, as is well known. Care was accordingly taken to apply effectual remedies, as might be expected, by delegating to the newly formed government the exclusive power of regulating the commerce of the States with foreign nations and with one another, and prohibiting, without qualification, the States from entering into any treaty, alliance, or confederation, as has been stated. But equal care was at the same time taken not to extend the remedy beyond the evil. And hence the restriction which limits the power to regulate commerce to the external relations of the States with foreign nations and each other, to the exclusion of their internal commerce, as the evil to be remedied, resulted wholly from the one, and not at all from the other.

Having now shown what is the restriction imposed on the power by the terms "among the States," your committee will next proceed to consider what power is conferred on Congress within that restriction by the terms "to regulate commerce."

They are of the opinion, after due reflection, that they confer on it all the powers which, by a fair interpretation, belonged to them, as fully as the States themselves possessed it, except such, if there be any, as may be prohibited by the Constitution from being exercised, either expressly or impliedly. That they confer on Congress all the power to regulate commerce with each other, with that exception, would seem to be so clear as hardly to admit of doubt, as the words by which it is delegated are used without qualification or condition. But, if there should be room for doubt, it would be removed by adverting to the reason for delegating the

power. It was not to limit or prohibit it as a power of a dangerous character, and which, on that account, ought to be restricted or prohibited. On the contrary, it was regarded as one of the utmost utility, and on the proper control of which the prosperity of the States essentially depended; and it was accordingly for the purpose of obtaining such control, as well as to prevent collision among the States, and not to restrict or prohibit it, that it was delegated to the Federal Government, as their common representative and organ, in their external relations with each other and foreign nations. When it is added that such is admitted to be the true construction in reference to the latter, and that the phraseology is the same in reference to both, it would seem to exclude the possibility of doubt as to its being so, also, in reference to the former. The only difference between the two cases is, that the power is divided in its exercise between the law-making and treaty-making organs of the Government in regulating commerce with foreign nations, while, in that of regulating it among the States, it is vested exclusively in the law-making, as from necessity it must be, where the treaty-making power among federal States is delegated to their common Government.

It remains now to be considered what power would a fair interpretation of the terms "regulate commerce" confer on Congress? Or, to express it more fully, what power did the framers of the Constitution intend to delegate to it in using those terms? Your committee regard it as fortunate that, in their endeavor to ascertain what power they intended to delegate, they are not thrown on the vague meaning of the terms as used in common parlance. There are few words in the language, when thus used, more vague than the verb *to regulate*. It has, as commonly used, all the shades of meaning, from the mere power of prescribing rules to that of having absolute and unlimited control over the subject to which it is applied. Nor is the term *commerce* free from

ambiguity when so used. It sometimes means trade simply; and at others, trade and transit, or navigation when the transit is by water. But the case is different when they are applied to constitutional or legal subjects. When so applied, their meaning is so much more precise that they may be regarded as almost technical. They occupy a large space both in our own code of laws, and that of the country from which we derive our origin and language. And what contributes still more to the precision of their meaning is, that they occupied a prominent place in the discussion which preceded and led to the Revolution that separated the two countries, particularly as it relates to the distinction between the power to lay taxes and that to regulate commerce. The latter, it was admitted, belonged to the parent country, while the former was denied and resisted. Many of the framers of the Constitution, who were able statesmen and learned lawyers, took an active part in this discussion, and were familiar with the meaning of the terms, as politically and legally applied at the time. Under such circumstances, it is a fair presumption that in using them, in delegating the power, they intended to attach a meaning to them similar to that in which they had been in the habit of employing them in their political discussions, and in which the States had been accustomed to use them in legislating on the subject of regulating commerce prior to, and subsequent to, the Revolution.

Assuming such to be the case, your committee are brought to the question,—What powers were the States accustomed to exercise in regulating their commerce before and at the time of the adoption of the Constitution, as far as they relate to its safety and facility? The answer will solve the question as to the true meaning of the terms, and the kind of powers intended to be delegated to Congress in reference to them.

In order to understand why the States exercised the kind of powers they were accustomed to do, at and before the

adoption of the Constitution, for the safety and facility of their commerce, it is necessary to bear in mind that they were then confined to the Atlantic coast, along which they extended from New Brunswick to Florida; and that their commerce with each other was confined to the coast and its bays. On turning to their legislation during that period, it will be found that the powers they exercised for that purpose were restricted to the establishment of light-houses, buoys, beacons, and public piers. They are all of a description well adapted and necessary to guard against the dangers and impediments to which such a commerce as they then carried on was exposed; while they were, at the same time, such as would be neglected, or not established at all, unless the public took charge of them; because individuals had neither adequate motive nor power to establish or attend to them. That the power to establish them refers to that of regulating commerce, may be certainly inferred from the motives and objects of their establishment; and that commerce, in legal language, embraces navigation as well as trade, may, with not less certainty, be inferred from the same circumstance, as they relate directly and exclusively to navigation. If we turn from the legislation of the States, prior to the adoption of the Constitution, to that of the Federal Government, it will be found that it confirms not only the correctness of these inferences, but all that your committee have stated in this connection, as they will next proceed to show.

So important was the power to regulate commerce—especially among the States—regarded, that it was among the first subjects which claimed the attention of the Government after it went into operation. On the 7th of April, 1789, just a month after the commencement of the Government, an act of Congress became a law by the approval of the President, entitled "An act for the establishment of light-houses, buoys, beacons, and public piers;" that is, moles raised for the shelter of vessels against storms or ice. It provides that all

the expenses, which shall accrue for the support and maintenance and repairs of such as were erected, placed, or sunk by the States, before the passing of the act for the safety and ease (facility) of navigation, shall be defrayed out of the Treasury of the United States; with the proviso that the expense should not be paid by the United States after one year, unless they should be ceded and vested in the United States by the States to which they belong, with the lands and tenements appertaining to them. It also provided for the erecting of a light-house near the entrance of the Chesapeake Bay, and for the expense of keeping, rebuilding, and repairing the establishment. These provisions furnish conclusive proof that the States, under the power to regulate commerce, established light-houses, buoys, beacons, and public piers; that Congress regarded the power as delegated to it, to the same extent; that the object of the power was the increased safety and facility of commerce along the coast; that it appertained especially to the regulation of commerce among the States, as the portion of the ocean in its vicinity is the great common highway of the commerce of the States bordering on it: and that it embraced navigation as well as trade. It may be added, in confirmation of the construction which places this establishment under the control of the Government, that it accords with the practice of the Government of the country from which we derive our language and origin; with this difference, that there the establishment was principally under the control of incorporated companies or individuals, but subject to the legislation of Parliament, as must have been well known to the framers of our Constitution.

In carrying the power into execution, Congress has studded the coast with light-houses and beacon lights, to guide in safety the mariner by night on his voyage, against the danger of capes, reefs, and shallows; and has thickly planted buoys at the mouths of harbors and inlets, to point out the narrow channels through which he may safely pass into them.

It has gone further, and constructed public piers (including harbors of protection), where vessels can take shelter against storms and ice, and annually expends a large sum in repairing, supporting, and enlarging the establishment. To this add that the power, to this extent, has been exercised by Congress from the beginning of the Government until the present time, without interruption or being seriously questioned as to its constitutionality, either in or out of Congress, during that long period, and it may be safely inferred that they have not erred in placing the construction they have on it.

Having now shown that the power to regulate commerce, fairly construed, embraces the establishment of light-houses, buoys, beacons, and public piers, for the increased safety and facility of the commerce of the Atlantic coast, your committee will next proceed to consider the question, whether it may not be constitutionally applied to increase the safety and facility of the commerce of the Mississippi and its waters.

It is admitted that the framers of the Constitution, in delegating the power, had in contemplation the Atlantic coast only. At the time, but a very small portion of our population had passed the Alleghany Mountains into the valley of the Mississippi, as has been stated, and none had reached the St. Lawrence and its lakes. There was not a single State situated wholly within the valley. Indeed, the greater part, including the whole of its right bank, and all on both banks below the thirty-first parallel, belonged to Spain, who claimed the exclusive right to navigate the river to the south of it, and a right in common with us to the residue. In such a state of things, it is not probable that the navigation of a river so full of obstructions, and with a current too rapid for ascending navigation, with the power then used for propelling vessels on its waters, ever occurred to the framers of the Constitution, while deliberating on delegating the power in question. But, although their attention was di-

rected to a particular case, they were too wise to provide a remedy applicable exclusively to it, by restricting it to the coast navigation, or to the establishment of light-houses, buoys, beacons, and public piers. They looked to the future, and provided one of a more comprehensive character, and calculated to remedy the evil in whatever form it might appear.

Great changes have since occurred. We have acquired the entire valley of the Mississippi, and have the exclusive control of its commerce. What was then an almost uninhabited wilderness, now contains nearly one half of the population of the whole Union, and many great and flourishing States. Its commerce, then of small amount, and carried on in frail boats of small tonnage, and impelled by a power too weak to ascend its stream, now rivals that of the coast in amount, the cost and size of the vessels by which transported, cheapness of freight, rapidity of transit, and the force by which they are impelled—a force so great as to completely overcome its turbid and rapid current. It has done more. It has so intimately united the navigation of the river and the gulf, that vessels navigating the one may the other, so as to pass and repass to and from each other in one continuous voyage; just as if (for all practical purposes) the Mississippi was a part of the gulf, or an inland sea.

In consequence of these great changes, the reasons which influenced the framers of the Constitution to delegate to Congress the power to regulate commerce among the States are now as applicable to the States bordering on the Mississippi and its great tributaries, as it was then to those bordering on the Atlantic coast. If it was necessary to delegate it in reference to the latter, to prevent embarrassment and collision between them in consequence of each regulating its commerce with the other, the necessity is equally urgent in reference to those bordering on the Mississippi, for the same reasons. Indeed, it may be said to be more so; because numerous States grouped together on a large stream and its

tributaries, and depending on its navigation exclusively, as the medium of their commerce with each other and the rest of the world, would be much more exposed to embarrassments and collisions, without a common power to regulate their commerce, than those stretched out on a long line of sea-coast. The latter might possibly manage each to regulate its own commerce, without a common power; but without such a power the former would almost necessarily be involved in continued conflict and hostilities. So, again, the necessity of a common power to regulate commerce among them, in reference to the safety and facility of its navigation, is greater in relation to the States on the borders of the Mississippi, including its tributaries, than on the coast; as the dangers and impediments to which it is exposed are greater, while, from their character, they may be more effectually guarded against by being removed.

So urgent, indeed, is the necessity of a common power to regulate its commerce, that it may be safely affirmed it would require a confederation among the States on its borders for that purpose, as the only means of preserving peace and preventing the most deadly conflicts among them, destructive alike to their commerce and prosperity, had not the Constitution devested the States of the power, and delegated it to the Federal Government. If to these urgent reasons for a common power to regulate the commerce of the Mississippi, including its great tributaries, we add, that the States directly interested are positively prohibited by the Constitution from entering into any treaty, alliance, or confederation, and, of course, from adopting the only means by which such a power could be created by them; and that the river is made, by the same instrument, the common highway in fact for all their vessels and those of the whole Union navigating it, by providing that "vessels bound to or from one State shall not be obliged to enter, clear, or pay duties in another," * the conclusion is irresistible, that its commerce

* 9th section, 1st article, Constitution.

comes as fully within the power to regulate commerce as that of the coast itself. There is, indeed, nothing in the terms by which it is delegated, or in the nature of the power, or the reasons for delegating it, which can possibly exclude it.

Assuming it, then, as unquestionable, that the power is as applicable to the one as the other, it follows necessarily that the right of Congress to establish light-houses, buoys, beacons, and public piers, as far as they may be necessary for the safety and facility of navigation, is as full and perfect in reference to the Mississippi, as to the Atlantic coast. Thus far, there can be no doubt. Indeed, they have been established on the lakes of the St. Lawrence, where they are as necessary as on the coast, without objection or question, although their commerce was as little in contemplation of the framers of the Constitution, as has been stated, as was that of the Mississippi.

The doubt, then, if doubt there be, is reduced to the single point,—that the dangers to which the navigation of the Mississippi is exposed are, from their character, such as cannot be guarded against by light-houses, buoys, beacons, and public piers, except to a very limited extent. They consist of obstructions in its channel, and can only be well guarded against by removing them. The question, then, is, whether the power to regulate commerce among the States, which authorizes the establishment of light-houses, buoys, beacons, and public piers on the coast of the Atlantic and the lakes, with their gulfs and bays, does not also authorize the removal of snags, logs, and other obstructions, which endanger or impede the navigation of the Mississippi.

Your committee, after full and impartial consideration, can see no reason which would authorize the one, that would not the other. The dangers to be guarded against are not only as great in reference to the navigation of the Mississippi, as has been shown, but the reason why the Government

should have charge of its improvement is not less strong. If light-houses, buoys, beacons, and public piers, would be neglected, if not placed under its charge, because neither individuals nor States would have adequate inducement or power to establish them; so likewise the removal of snags, and other obstructions, which endanger or impede its navigation, would be neglected, and for the same reason, if not put also under its charge. The only difference, indeed, between them, is, that in the one case the money is appropriated to make visible, or designate, the causes of danger, by establishing light-houses, beacons, or buoys, while in the other it is appropriated to remove them. But it would seem impossible to doubt that the right to make them visible, or to designate their place, in order that they may be avoided, involves that of removing them where practicable; and that the right of removing them involves that of pointing them out to be avoided. Whether the one or the other should be adopted in either case, is not a question of right, but one of expediency, depending on their respective practicability, cheapness and efficiency. Reverse the cases, and who can doubt, if the dangers against which light-houses, buoys, and beacons, were intended to warn, were of a nature that they could be removed as cheaply, or more so, than they could be pointed out, but that the same power which would authorize the former would also authorize the latter; or that the power to remove the cause of danger, would not authorize the warning against it, if it could not be removed?

Having now shown that the power to regulate commerce among the States is as applicable to the commerce of the Mississippi as it is to that of the Atlantic coast, and that the removal of the obstructions which endanger or impede its navigation is as fully embraced by it, as the establishment of light-houses, buoys, beacons, and public piers, your committee will next proceed to consider how far that power, as applied to the improvement of its navigation, extends.

They are of the opinion it extends to the removing of all obstructions within its channel, the removal of which would add to the safety and facility of its navigation; including such as might endanger or impede it by sliding in or projecting from its bank, or islands, over the channel. It includes (to be more specific) the removal of snags, logs, rocks, shoals, sand-banks, bars, including the one at its mouth, and trees projecting over or liable to slide into its channel, where the removal would improve or secure its navigation. These all are either within the channel of the river, or hang over it, or in danger of sliding into it, so as to obstuct it as the common highway of the commerce of the States on its borders; and, as it may truly be added now, through the power of steam, of the States having intercourse by continuous navigation with them, on the gulf and even Atlantic coast.

They are also of the opinion it extends to the removal of like obstructions in its great navigable tributaries, including such as have three or more States bordering on their navigable waters; but not to those whose navigable waters are embraced within one, or, at farthest, two States. Why the former is embraced, and the latter not, they will next proceed to consider, beginning with the case of rivers whose navigable waters are confined to a single State.

They are not embraced, because, in the first place, the power, as has been shown, is restricted to the regulation of the external commerce of the States with each other, to the exclusion of their internal. And, in the next, because the commerce of such rivers is under the exclusive control of the States within whose limits their navigable waters are confined, except that no vessel from another State, coming or going, can be compelled to enter, clear, or pay duties, under the provisions of the Constitution already quoted; and except, also, that vessels from other States shall not be subject to any regulation or law in navigating them, to which the vessels of the State to which they belong are not, under the

provisions of the same instrument, which secures to the citizens of each State, in all others, "all the privileges and immunities to which their own citizens are entitled." * With these exceptions, the navigation of all such rivers, as far as commerce is concerned, is as much under the control of the State within which its navigable waters are confined, as its canals, railroads, or turnpikes. Indeed, these are subject to the latter exception, and not to the former, only because not applicable.

The case of a river whose navigable waters are confined to two States, whether by dividing or flowing through them, requires more particular and full explanation. The provision of the Constitution already cited, which exempts vessels bound to or from one State from entering, clearing, or paying duties in another, would make all such streams, in effect, common highways of all the States, and bring them exclusively under the control of the Federal Government, as far as the power to regulate commerce among the States is concerned; as much so, indeed, as the Mississippi itself, were it not for another provision in the same instrument. They allude to that which provides that "no State shall, without the consent of Congress, enter into any agreement or compact with another State;" † and which of course permits (with such consent) *one* State to enter into compact or agreement with *another*.

To understand the intention of the framers of the Constitution for inserting this provision, and its bearing on the point under consideration, it is necessary to view it in connection with another provision of the instrument, already cited. They refer to that which prohibits the States from entering into any treaty, alliance, or confederation, in any case whatever; plainly because it would be both dangerous and inconsistent with their federal relations to permit it. In

* 2d section, 4th article Constitution.

† 16th section, 1st article, Constitution.

order to prevent so important a provision from being eluded, the provision immediately under consideration was inserted, prohibiting the States from entering into agreements or compacts in any case whatever, except one State with another State, or with a foreign power; and to prevent the abuse even of that limited power, the consent of Congress is required. Such is the prohibition, and the reason for it. The reason for the exception is, that without it the prohibition would substitute the federal authority for that of the States, for the adjustment and regulation of all the various subjects in which the several States may have a mutual interest in adjusting and regulating, including such as the one under consideration, and thereby would give greater extension and minuteness to the authority of the Federal Government than was desirable or consistent with the objects for which it was instituted. Under the exception it is left to the States, when only two are interested in the navigation of a river, or any other object, to take it under their own exclusive jurisdiction and control by an agreement or compact between them, with the consent of Congress; as much so as it would be under that of one, if it was confined exclusively to one instead of extending to two.

The case is different where three or more States may be directly interested in the navigation of a river. Such cases are withdrawn from the control of the States, and are embraced by the power of Congress to regulate commerce among the States, for reasons too obvious to repeat, after what has been stated. It is only necessary to add, in this connection, the reasons are as applicable to the rivers falling into the ocean and the lakes, including their gulfs and bays, as to those falling into the Mississippi and its tributaries.

Your committee will next proceed to consider whether harbors or canals around falls or other obstructions of the Mississippi, including its great tributaries (meaning thereby those in whose navigation three or more States are in-

terested), are embraced in the power, taking them in the order they stand.

They are of the opinion that harbors, except for shelter or naval stations, are not. Their reason for thinking so is, in the first place, because, as far as they have been able to ascertain, the States, in the exercise of the power of regulating commerce, never extended it to the improvement or construction of harbors for commerce, neither subsequent to nor before the Revolution, while colonies. They have not been able to find a single instance of the exercise of the power on their part which would warrant the conclusion that such harbors were included in the power, and, they may add as pertinent to the subject, very few cases in the legislation of the country from which we drew our origin and language, that countenances an extension of the power, so far as to embrace them; and in the next, that the early acts of Congress afford no evidence that it regarded harbors of commerce to be embraced in it. The first appropriation they have been able to find even for harbors for shelter, was made in 1822, more than thirty years after the commencement of the Government; and that, at first, only authorized "the construction of two public piers, of sufficient dimensions to be a shelter to vessels from ice." They refer to the breakwater near the mouth of the Delaware. The next appropriation was in 1823, to survey the entrance of the harbor of Presque Isle, on Lake Erie, with the view of removing obstructions at its mouth. It was not until 1827 that appropriations were made professedly for the improvement of harbors, and not till 1828 when a regular and expensive system was commenced of constructing and improving them as a part of the system of internal improvement.

But as strong as these reasons are, there is another still more so, drawn from the nature of the power and the early practice of the Government. The power, as has been stated, is restricted exclusively to the regulation of the external

commerce of the States with each other, as separate and distinct communities; and cannot, as such, act within the limits of the States beyond what is indispensable to its execution. But so careful were the framers of the Constitution to guard against the abuse of power, that they have not left it to inference to determine to what extent it is indispensable for that purpose. They have, by a provision of the instrument, fixed the precise limits. Your committee refer to that already cited, which exempts vessels bound to or from one State from being obliged to enter, clear, or pay duties in another; and thereby securing to that extent, and no further, a free ingress and egress of the vessels of all the States within and from the limits of each other. But, with that exception, the harbors of a State are as completely under the control of the State, and as subject to its laws and legislation, as any other portion of its territory; and the vessels of other States are as subject to them as those belonging to their own citizens. Strictly speaking, then, the power to regulate commerce among the States is a power wholly *inter alios;* so much so, indeed, as to require this additional, or, as it may be fairly called, supplemental power, to secure to the vessels of other States the right to enter, to clear, and be exempt from duty, both in their ingress and egress. The conclusion would seem to follow, irresistibly, that a power so strictly *inter alios* cannot be extended so as to embrace the improvement or construction of commercial harbors. The case of harbors for shelter is different. They relate directly to the safety of commerce, in its transit from State to State, and are in character and object the same as public piers, and come, as such, fairly under the power to regulate commerce. The case is also different in reference to naval stations or harbors. They come under another power—that "to provide and maintain a navy."

But if additional evidence should be required to show that commercial harbors are not embraced by the power

another provision of the Constitution, and the practice of the Government under it, will furnish conclusive proof. Your committee refer to that which provides that "no State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty on tonnage." We find in this provision a material difference between the power reserved to the States to lay, with the consent of Congress, duties on imports and exports, on the one hand, and on tonnage on the other. In the former it is expressly provided that the proceeds shall pass into the Treasury of the United States, while in the other it is left without any such provision at the disposal of the State imposing them. There must be a reason for the distinction; and it would be difficult to assign any other than that it was intended to reserve to the States the power to collect duties on tonnage, with the consent of Congress, in order to leave at their disposal the money collected, to enable them to raise funds for some improvement intimately connected with the convenience of vessels in port, or to designate any one more so than the improvement of the harbor or port itself. We find, accordingly, that the power, as far as it has ever been used by the States, has been exercised exclusively to raise funds for that purpose, and that the consent of Congress has been freely given to acts of State legislatures for such purpose. As early as 1800, the consent of Congress was given to an act of the general assembly of Maryland, which authorized the wardens of the port of Baltimore to collect a duty on any vessel arriving at the same, of sixty tons or more, of a sum not exceeding two cents, for the purpose of improving the harbor and port; and

also to so much of an act of the State of Georgia, passed 1787, entitled "An act for regulating the trade and laying duties on all goods, wares, and merchandise, and negroes imported into the State, and also an impost on tonnage of shipping, and other purposes therein mentioned, as authorizes a duty of threepence per ton on all shipping entering the port of Savannah to be set apart as a fund for clearing the river Savannah." The act giving consent was to continue in force for eight years. It has been renewed several times as to the acts of both of the States, and that of Maryland is now in force by a renewal so late as 1843. These acts, both of the State legislatures and Congress, afford conclusive proof that the intention which they have assigned to the framers of the Constitution for reserving the power to be exercised by the States with the consent of Congress is the one which governed them.

Having now shown, as they trust, conclusively, that the power excludes the construction or improvement of harbors of commerce, in contradistinction to harbors for shelter and the navy, it will not be difficult to show that it also excludes the cutting of canals or the construction of roads around shoals, falls, or other impediments to the navigation of the river or its tributaries, as the reasons applicable to the one are mostly equally so to the other. Thus, if there be nothing in the practice of the Governments of the States, at or before the adoption of the Constitution, or in the early practice of the Federal Government, to justify it in the one case, so there is nothing in the other. So, likewise, the reasons deduced from the nature of the power, that it is strictly *inter alios*, so much so as to require a supplemental power exempting vessels, on going in or out of a State, from entering, clearing and paying duties, are equally applicable to both. Indeed, it applies, if possible, more strongly, as they are more strictly *inter alios* in reference to such works, than to harbors; and it may be added, as an additional reason, that individual

inducement and power are alike adequate to both. It is proper to add, also, that all they have stated in this connection are applicable to harbors and works of the kind wherever found, whether on the Atlantic, the gulf, the lakes, or rivers falling into them.

Having now shown what objects are embraced by the power, and what not, in reference to the Mississippi and its tributaries, your committee will dismiss this portion of their labor with a brief consideration of a few restrictions of a more general character, to which the power is subject.

It has been stated that commerce, in legal and constitutional language, includes transit or navigation as well as trade. It may well be questioned whether it was not intended by the Constitution, as far as it relates to commerce among the States, to restrict it entirely to the letter—that is, transit by vessels on water. Certain it is, that the provisions connected with, and having reference to it, would indicate that it was so intended; and it may be added, that the legislation of Congress, in carrying the power into effect, as far as your committee is informed, is confined to the regulation of transit by water, to the exclusion of that by land. They of course exclude acts passed for the enforcement of the collection of duties and embargoes, and other restrictive measures of the kind, which relate to the revenue power, and questions connected with the foreign relations of the country. Indeed it is difficult to imagine how the power to regulate commerce among the States, restricted as it is to their external trade with each other, as separate and distinct communities, can be exercised, except where there is a common highway between them not subject to the exclusive control of any one, as is the case of the coast, of the lakes, and of the Mississippi. Where that is not the case, and a mere line divides States, the trade between them, in every period of its transit from one to the other, is under the exclusive control of one or the other, in whichever it may be for the time

Indeed, the clause of the Constitution already referred to, which provides that "the citizens of each State shall be entitled to all the privileges and immunities of the citizens in the several States," would seem to supersede the necessity of extending the power to the inland trade among the States, as it secures to the citizens of all the States all the immunities and privileges of the citizens of whatever State they may be in.

There are other restrictions of a still more general character, deserving of notice, deducible from the nature of the power. As a power to regulate the external commerce of the States with each other, it is restricted from interfering with their internal concerns beyond the limits already stated; and, of course, is excluded from interfering with laws and regulations touching the health of their citizens, the peace and security of the States, and their police and institutions generally. Nor can any right be deduced from the power, regarded in the same light, to authorize the Federal Government to construct roads and canals, or any work of internal improvement in a State.

There is one more restriction to which it is subject, in common with all the powers delegated to the Government. It is held, like all its other powers, not absolutely, but as a trust, and as such it is limited in its exercise strictly to the nature and object of the trust. Thus regarded, it is restricted not only to the regulation of commerce, and commerce among the States, but to regulate it so as to preserve harmony, as far as practicable, among them, and to promote the prosperity of their mutual commerce with each other, as far as the nature and extent of the power may admit; these being the great objects for which it was delegated.

Your committee have now shown what power it is that authorizes the Federal Government to appropriate money to improve the navigation of the Mississippi, including its great tributaries, the objects it embraces, and the restrictions to which it is subjected. It remains to consider what annual ap-

propriations and expenditures would probably be required to remove all obstructions, susceptible of being removed, which endanger and impede its navigation, and what preparatory step should be taken to insure a proper and efficient application of the money which may be appropriated.

They are aware that the great objection, practically, to the execution of the power, originates in the impression that vast sums have already been appropriated and expended in the improvement of its navigation, and that their amount would be greatly increased if it should be admitted that the Federal Government possesses the power. What they propose is, to show that this is a very erroneous impression as to the amount of past appropriations and expenditures, and as to the probable amount that would be required, should the power to make them be admitted to be constitutional.

So far from being vast or extravagant, they have been moderate, whether regard be had to the great extent of the navigation of the river, including its tributaries, or the magnitude of its commerce, compared with that of the Atlantic or the lakes. The aggregate amount of appropriations of every description, for the improvement of the navigation of the Mississippi and its waters, from its commencement in 1824 until the present year, is $2,528,800. For the same period, the amount for the coast of the Atlantic and the gulf, including appropriations for harbors, is $12,901,123;* of which $8,485,946 have been for the establishment of light-houses, buoys, beacons, and piers, and the residue for harbors. The appropriations for the improvement of the navigation of the lakes, for the same period, amounted to $3,119,757; of which $2,861,964 39 were for harbors, and the residue for the establishment of light-houses, buoys, beacons, and piers. It thus appears that the appropriations for

* Appropriations for rivers falling into the Atlantic and lakes not included: they would add a large amount.

improvements on the coast, including the Atlantic and gulf, have been, in the last twenty-four years, nearly five times greater than those for the Mississippi and its waters, notwithstanding the previous large appropriations for the former during the long antecedent period extending back to the commencement of the Government. Compared with the respective amount of the value of their commerce and tonnage, and the length of their line of navigation, it may be safely asserted, without going into any minute or exact calculation, that the appropriations during the same period for the coast are many times greater than for the Mississippi and its waters. Compared with the lakes, the disproportion, although great, is not equally so as that with the coast. Taking their tonnage as the standard of comparison, and estimating their respective amounts by the last official returns, the appropriations for the lakes, including the upper and lower, are more than double those for the Mississippi and its waters.

If harbors be excluded as not properly belonging to the power to regulate commerce, but to internal improvement, even then the average amount of the appropriations for the coast will be more than three times that for the Mississippi; the former being, on an average for the period, $358,742 annually, and the latter only $109,947.

Turning from the past to the future, and assuming that the appropriations hereafter shall be strictly confined to objects fairly embraced by the power in reference to both, your committee feel assured that the sum annually required for the coast will be amply sufficient for the Mississippi, including its great tributaries; and much more than sufficient after the obstructions, which now endanger and impede its navigation, are effectually removed, as they may be in a few years, if a sum equal to that for light-houses should be annually appropriated and properly applied. Nor will the power be more liable to abuse in practice in reference to the

Mississippi than to the coast, as seems to be apprehended by many. No good reason can be assigned why it should be, while very good ones may be why it should not. The removal of the obstructions to the navigation of the Mississippi must, from the machinery necessary for the purpose and the character of the work, be under a general superintendence and control; and, on that account, far less liable to be influenced by the interests of individuals, and exposed to the frauds incident to jobs and contracts, than that of building light-houses, including the purchase of lands, keeping them in repair, and furnishing supplies to keep up their lights. They cannot doubt that to this difference it is to be attributed, in a great degree, that the appropriations for the improvement of the Mississippi have been so moderate, and have had so little tendency to increase, when compared with that of the coast and lakes. The avidity, zeal, and pertinacity of private interests and the hope of profitable jobs, incident to the latter, are far more potent in forcing through appropriations, than the far greater but more general and diffused interests to be benefited by the former.

Nor will it be more liable to abuse by being improperly extended to the improvement of its smaller tributaries, which, as has been shown, are not embraced in it, than it will be by extending it to like streams falling into the Atlantic or the lakes. The principle which prevents the power from embracing the one, equally prevents it from embracing the other, and is equally as clear and well defined in the one, as the other. If the objection be good in the one case, it is in the other; and if the liability to abuse be a good reason for abandoning the improvement of the navigation of the Mississippi, it is at least as good for abandoning that of the coast and the lakes.

But there is not the least probability that Congress will ever abandon the exercise of the power. It has not only the right, as has been shown, but it is its duty to exercise

it; a duty, under the Constitution, to the States immediately interested, and which are, by one of its provisions, prohibited from adopting the only means by which they could themselves regulate their commerce with each other. Indeed, the States directly interested in its exercise are too numerous and strong to permit the power to be abandoned, or lie dormant; and all attempts to prevent its due exercise on the part of those who may dread its abuse, or who may be averse to its exercise from other causes, would have no other effect but to compel the more moderate and scrupulous of those directly interested in its due exercise to unite with the less moderate and scrupulous in their own and other portions of the Union, and thereby place the power under the exclusive control of those who would exercise it without regard to abuses, or the restrictions imposed by the Constitution. On the contrary, by admitting the power, and supporting its due exercise, and directing their efforts to confining it within its proper constitutional limits, the united efforts of the moderate of every portion of the Union might succeed in preventing abuses, and carrying, at the same time, into full effect the intention of the framers of the Constitution in delegating the power. But, if such efforts should fail to prevent extravagant and unwarranted appropriations and expenditures, there remains a certain corrective to both—perhaps the only certain one—against the abuses incident to appropriations and expenditures of a general fund on local objects, which, by united efforts, they might succeed in applying. It is that of raising the sum to be expended, from the interest to be benefited by the expenditure; that is, in this case, by a moderate duty on light and tonnage, on vessels engaged in navigating the coast, the lakes, and the Mississippi, and other rivers embraced by the power; and by applying the sum so raised from each to the improvement of its navigation. The same mode of raising and applying the requisite sum, in reference to smaller

streams, might be adopted by the States interested, at least as far as tonnage duties are concerned, with the consent of Congress. It is the equitable and fair mode which was practised by the States before the adoption of the Constitution, and which is practised by the Government of the country from which we derive our origin and language, as has been stated. It was also the mode practised in its early stages by the Federal Government; with, however, this radical defect, that the sums raised, instead of being kept as a separate fund to be applied to its specific and appropriate objects, were blended with the general funds of the Treasury. The duty imposed would, of course, constitute a general charge on the commerce on which it would fall; but when the vast amount of that of the coast, the Mississippi, and the lakes is taken into the estimate, and the strict economy to which the mode of raising and applying the fund would lead in the expenditures, there can be no doubt the charge would be far more than compensated by the reduction of the rates of insurance.

Such are the conclusions to which your committee have been brought, in reference to the portion of the memorial which relates to the improvement of the navigation of the Mississippi and its great tributaries. It remains, before concluding, to consider what preparatory measures should be adopted in order to insure a systematic, judicious, and efficient expenditure of the money which may be appropriated to carry the power into effect, should Congress concur in their views in relation to it.

They are of the opinion it is indispensable, for that purpose, to constitute a board of able and experienced engineers, whose duty it should be to make, under the direction of the Secretary of War, a careful examination and survey of the Mississippi, including its great tributaries; to report their opinion in detail as to the present condition of its navigation; the character of the obstructions which endanger or impede

its navigation; to what extent they can be removed; what would be the effect of their removal in diminishing the hazard to which it is exposed, and increasing its expedition; what means ought to be adopted for their removal; what sum would it be advisable to appropriate annually for the purpose of removing them; what sum would probably be required annually to keep its navigation in a safe and good condition, when once removed; and, finally, what means ought to be adopted to insure an efficient and economical expenditure of the money which may be appropriated. Your committee are further of the opinion that it would be advisable that the board should consist of three engineers, one military and two civil; and that in the mean time, until they can report, a moderate sum should be appropriated to remove the more dangerous obstructions.

Having now finished the portion of their report which relates to the improvement of the navigation of the Mississippi, including its great tributaries, your committee will next proceed to the consideration of that portion of the memorial which relates to the reclaiming, by embankments, the public lands, which, in consequence of being subject to its inundations, are not fit for cultivation.

The subject is one of no small importance. The Mississippi, like most of the other great rivers, has formed by its deposits, in the long course of years, a tract of great extent and fertility in its approach to the ocean, and which is subject to inundations by its floods. There is no data by which the extent of this tract can be ascertained with any accuracy, but it is estimated, from the best attainable data by the proper department, to contain about 33,075,000 acres, or 51,670 square miles, lying in the States of Louisiana, Mississippi, Arkansas, Missouri, and Illinois.

It is believed by far the greater part may be reclaimed by a proper system of embankment. It is more difficult to estimate with any precision what portion of it is still public land.

They have not been able to obtain any document that may be relied on as approaching accuracy in that respect, except in reference to the portion of the tract lying in the State of Louisiana. It appears by a report of the surveyor-general of that State, made in October, 1845, that there is of overflowed and swamp land in that State 8,505,505 acres; of which there are subject to private claims 798,763 acres; granted for schools and other purposes, 378,743; sold prior to the 30th September of that year, 1,635,458; and unsold, or public lands, 5,692,836, making nearly three quarters of the whole. Assuming the same proportion to remain unsold in the other States, the aggregate amount still belonging to the public would be 24,850,000 acres.

As fertile as this great body of land is, by far the greater part is, at present, of little or no value, in consequence of its swampy character and being subject to inundation, and must remain so; alike unprofitable to the public and individuals, so long as it may remain in its present condition. But it must remain so until reclaimed by embankments. To meet the expense of making them, the convention recommends the grant of lands, or appropriation of money by Congress.

Your committee are of the opinion that something ought to be done towards bringing this great body of fertile land into cultivation. While it remains in its present state, with one, and that the larger portion, held by the Union, another (that granted for schools and other purposes) by the States, and a third by individuals, and these several portions not held in parcels, or bodies, separate and distinct from each other, but intermixed one with the other, nothing can well be done towards reclaiming them. It would require the co-operation of the parties interested, each in proportion to the extent of his interest, to accomplish the object. To obtain such co-operation, and fix satisfactorily the amount that each should contribute towards making the necessary embankments, would obviously be a work of too much difficulty and compli-

cation to be undertaken. The only remedy is to diminish the number of the parties interested; and for that purpose, your committee are of the opinion that Congress ought to adopt measures to dispose of its portion of these lands, with as little delay as a just regard to the public interests will permit. And to effect this, they are of the opinion the most advisable course would be, to reduce the price of the portion belonging to the public, gradually: say at the rate of one fifth, at intervals of four years, until it shall be reduced to the rate of 25 cents an acre; and to cede to the States in which they may respectively lie all not sold at the expiration of four years thereafter.

Your committee will next proceed to consider that portion of the memorial which relates to the communication by railroads between the valley of the Mississippi and the southern Atlantic States. They regard works of the kind as belonging to internal improvements (that is, improvements within the body of the States), and as such, are, in their opinion, not embraced in the power to regulate commerce. But they are, nevertheless, of the opinion that where such roads, or other works of internal improvements, may pass through public lands, the United States may contribute to their construction in their character of proprietors, to the extent that they may be enhanced in price thereby. This has usually been done by ceding alternate sections on the projected line of such works; and it is believed that no mode of contributing, more fair or better calculated to guard against abuses, can be devised. That Congress has a right to make such contributions, where there is reasonable ground to believe that the public lands will be enhanced in proportion, under its right to dispose of the "territory and other public property of the United States," your committee cannot doubt. In making this assertion they hold to the rule of strict construction, and that this power, like all the other powers of the Government, is a trust power, and, as such is

strictly limited by the nature and object of the trust. In this case the rule requires that the lands, and other public property of the United States, should be disposed of to the best advantage; and where that can be done by contributing a portion to works which would make the residue equally or more valuable than the whole would be without it, as is supposed, they hold it would be strictly within the rule. Your committee go further. They are of the opinion, not only that Congress has the right to contribute to the extent stated, in such cases, but that it is in duty bound to do so, as the representative of a part of the proprietors of the land to be benefited. It would be neither just nor fair for it to stand by and realize the advantage they would derive from the work, without contributing a due proportion towards its construction. It would be still less justifiable to refuse to contribute, if its effects should be to defeat a work, the construction of which, while it would enhance the value of the land belonging to the public, and that of individual proprietors, would promote the prosperity of the country generally.

But however clear the power, or however liberally it may be exercised, it can do but little towards the construction of the projected railroads between the valley of the Mississippi and the southern Atlantic ports. They will pass through comparatively but a small portion of the public lands, and that a remnant which has been long in market, and has remained unsold, because of a very inferior quality. But it does not follow that the Federal Government cannot render efficient aid towards their construction, because it can do little by direct contribution. It can, notwithstanding, do much—if not in that way, in another not less effectual—by the removal of the heavy burden imposed on their construction by its own acts: they refer to the duty on iron.

It is well known that the cost of iron is one of the heaviest items every where in the expense of constructing railroads. In constructing those projected between the southern Atlantic

States and the valley of the Mississippi, which, for the most part, will pass through a level country, abounding in good timber, and requiring but little grading or expenditure, to acquire the right of way, it is by far the heaviest of all the items. The duty on iron of a description calculated to form a substantial and durable road (T iron), is itself a charge of upwards of $2,000 the mile—a sum equal to about one sixth of what would probably be the average aggregate cost per mile of constructing those roads.

It is this heavy burden which retards the completion of a system of railroads, which, when completed, will do so much not only for the mutual prosperity and defence of the States immediately interested, but for that of the whole Union. Thus regarding it, your committee are of opinion that, on every principle of expediency and fairness, not to say justice, this burden ought to be either wholly removed, or at least reduced to the rate which a strict regard to revenue principles would demand. They believe that neither would materially affect the prosperity of that branch of our manufactures. The increased impulse which it would give to the construction of railroads over the whole Union, and the impulse which their construction would, in turn, give to the general pros perity, by cheapening the cost of transportation, and enlarging the sphere of demand, would, in their opinion, in a great measure if not altogether, compensate the loss which might result to the manufacturers of iron, by a greatly increased demand for other descriptions of iron. But, whether such would be the case or not, certain it is that all other interests —agricultural, commercial, and even manufacturing—would be very greatly benefited by the increased rapidity and cheapness of transportation. If to this be added the still more important considerations—the great and happy influence it would have in a political and social point of view, and the increased safety of the country from the vastly increased means of defence which a widely extended system of railroad

would furnish—it would seem almost impossible to doubt the expediency of wholly removing or greatly reducing this heavy burden on their construction. They accordingly recommend that the present duty be either wholly repealed, or reduced to the rate which a strict and exclusive regard to revenue would require.

In reference to that portion of the memorial which relates to the connection of the Mississippi and the lakes by a canal, which would admit ships of the largest class, navigating either, to pass from one to the other, your committee fully concur in all which it states in reference to its importance; but they are of the opinion that Congress has no power under the Constitution to construct such a work. It stands, in that respect, on the same ground with railroads and other works of internal improvement; and, like them, it may be aided directly by Congress, should it pass through the public domain, by the grant of alternate sections, but no further.

Your committee also fully concur in all that is stated by the memorial in reference to the importance of keeping open the communication by sea between the Gulf of Mexico and the Atlantic coast, and the means it recommends for that purpose, both military and naval. It is the great thoroughfare of the Union, and cannot be closed, even for a short time, without convulsing its commerce and business operations in every department, and throughout the whole Union. Nothing, in their opinion, short of a strong naval force, sustained by a permanent naval station of the first class at Pensacola, or some other port in the gulf, and suitable fortifications to defend and secure the pass between Florida on the one side, and Cuba and the Bahama Islands on the other, can keep it open at all times, in war as well as peace, free from dangers; and they accordingly recommend to the early attention of Congress the establishment of such a station, with all suitable means for building and repairing vessels of war, with an adequate portion of the navy permanently stationed there, and

the speedy completion of the fortifications already commenced to defend and secure the pass.

MEMORIAL, ETC.

To the Honorable the Senate and House of Representatives in Congress assembled.

The undersigned, a committee appointed to memorialize the Congress of the United States on the various topics embraced in resolutions passed at the Memphis Convention, most respectfully represent: That, at a convention held at the city of Memphis, in the State of Tennessee, on 12th November, 1845, there were 583 representatives assembled, from the States of Pennsylvania, Virginia, North and South Carolina, Florida, Alabama, Louisiana, Texas, Mississippi, Tennessee, Arkansas, Missouri, Kentucky, Illinois, Indiana, Ohio, and Iowa; that the object of the meeting was to confer on the important agricultural, commercial, social, and political relations of the South-western States, and of the valley of the Mississippi, with the other portions of the American republic, and to consult on the measures necessary to advance and protect these relations as interests in common to the whole Union. At an early period of the meeting, it was decided, and with great unanimity, that no questions should be entertained, on which the action of the General Government was to be invoked, which involved any *political differences of opinion as to the powers of the General Government;* and, in conformity with this resolve, a general committee, appointed to supervise the proceedings, presented the following resolutions as extracted from the documents and reports of the different committees on the respective subjects submitted to their consideration:—

1st. *Resolved*, That the report of the various committees presented to the convention be printed, together with such

documents accompanying them as the committee appointed to supervise the printing of the proceedings of the convention shall deem necessary.

2d. *Resolved*, That safe communication between the Gulf of Mexico and the interior, afforded by the navigation of the Mississippi and Ohio Rivers, and their principal tributaries, is indispensable to the defence of the country, in time of war, and essential also to its commerce.

3d. *Resolved*, That the improvement and preservation of the navigation of those great rivers are objects as strictly national as any other preparation for the defence of the country; and that such improvements are deemed by this convention impracticable by the States or individual enterprise, and call for the appropriations of money for the same by the General Government.

4th. *Resolved*, That the deepening of the mouth of the Mississippi, so as to pass ships of the largest class—cost what it may—is a work worthy of the nation, and will greatly promote the general prosperity.

5th. *Resolved*, That, if the policy of reinforcing our navy with war steamers be adopted, the western waters are proper sources of supply, as they abound in iron, the best material for their construction, and in lead and copper, important materials for munitions of war; provisions also being cheap, and the skill requisite for their construction and navigation being ample in this region, which already possesses the largest steam commercial marine in the world.

6th. *Resolved*, That the project of connecting the Mississippi River with the lakes of the North, by a ship canal, and thus with the Atlantic Ocean, is a measure worthy of the enlightened consideration of Congress.

7th. *Resolved*, That the intercourse between the Gulf of Mexico and the Atlantic coast ought to be preserved unimpaired, and ample military and naval defence, and additional

light-houses and beacons, should be established along the coast of the Gulf of Mexico, at the most eligible points.

8th. *Resolved*, That the gulf and lake coasts are greater in extent than the Atlantic seaboard; that the interests to be defended in one quarter are quite as important and altogether as national as those in the other; and that the expenditures required for the proper defence of the gulf and lakes will fall far short of what has been as freely voted for the coast defence of the Atlantic.

9th. *Resolved*, That Congress should establish a national armory and foundery at some point on the western waters at as early a period as practicable.

10th. *Resolved*, That the marine hospital on the wesern and southern waters, the construction of which has been commenced, or authorized by Congress, ought to be prosecuted to completion with the least practicable delay.

11th. *Resolved*, That the mail service of the West and South requires great improvement in speed and regularity, and particularly on the western waters. That measures ought to be taken for the prompt extension, by Government, of the magnetic telegraph into or through the valley of the Mississippi.

12th. *Resolved*, That millions of acres of the public domain, lying on the Mississippi River and its tributaries, now worthless for purposes of cultivation, might be reclaimed by throwing up embankments, so as to prevent overflow; and that this convention recommend such measures as may be deemed expedient to accomplish that object, by grant of said lands or an appropriation of money.

13th. *Resolved*, That railroads and communications from the valley of the Mississippi to the South Atlantic ports, in giving great facilities to trade, greater despatches in travelling, and in developing new sources of wealth, are, in all their salutary influences on the commercial, social, and political relations, strongly urged upon the consideration and

patriotism of the people of the West; and they are the more recommended as works within the power of private enterprise to construct, as affording profitable investment of capital.

14th. *Resolved*, That, in order that the earliest opportunity may be afforded for private individuals and enterprise to direct their capital and energies to the completion of the important roads projected, the convention recommend to the delegations present to appoint committees, charged with the duty of prompt and early applications to their respective legislatures for charters to construct such roads as may pass through their States; and to ask such aid and patronage from said States as they in their discretion may deem proper and necessary to aid in the construction of the works.

15th. *Resolved*, That, as many of the roads projected may pass through the public domain, this convention would respectfully urge upon the consideration of Congress the equity of granting the right of way and alternate sections, in aid of the work so situated—such grant, in the opinion of this convention, being no more than a fair compensation paid by the proprietor for the enhanced value imparted to the section of land retained by the Government.

16th. *Resolved*, That efficient steps should be taken by the General Government to move and prevent the recurrence of the obstacles in the Mississippi, opposite the city of St. Louis, so that the harbor there may at all times be accessible, as objects of public utility and of a national character, and entirely beyond the ability of Missouri to accomplish.

17th. *Resolved by this convention*, That it is expedient that Congress should make an appropriation of money for the purpose of completing a military road from the west bank of the Mississippi (opposite Memphis), through the swamps, to the highlands in Arkansas, in the direction of the various military posts on the western frontier.

18th. *Resolved*, That a dry-dock and convenient arrange-

ment for the repairs and refitting of Government vessels should be established at some suitable point on the Gulf of Mexico.

19th. *Resolved*, That the President appoint a committee of five members of this convention to memorialize Congress on the various topics embraced in the foregoing resolutions.

20th. *Resolved*, That the President appoint a committee of five members of this convention to address our common constituents on the same subjects.

Your memorialists therefore approach your honorable body with the more confidence, as they believe there is nothing recommended in the foregoing resolutions which may not claim the legitimate action of Congress, and no new project submitted not worthy of the enlightened consideration of that honorable body. The safe and certain communication between the Gulf of Mexico and the interior States of the West; the improvement and preservation of the navigation of the Mississippi and Ohio Rivers, on which now border ten States and two Territories; the connection of the northern lakes with the Mississippi and Atlantic by a ship canal, and the keeping open the mouths of the Mississippi, so as to be accessible at all times to the largest class of vessels; the fortifying of the gulf and the lake coast, and the erection of additional beacons and light-houses; the increase of our naval marine; the establishment of naval depots, arsenals, dry-docks, armories, founderies, and marine hospitals; the reclaiming a large portion of the public domain now in swamp; the ceding the right of way and alternate sections to railroads passing through the public lands, and the insuring greater certainty and despatch to mail conveyances, whether of steam or magnetic power—are objects not within the jurisdiction of a single State to control, *but common in their benefits to the whole Union*, and within the powers of the General Government. Without, however, speculating on the ceded or reserved rights of the States, your committee

feel confident that, under the *commercial jurisdiction* of the General Government, and under the obligations *to provide for the general defence*, and as a *proprietor* of the public domain, there is no power claimed in the resolutions enumerated which may not be legitimately exercised by the Congress of the United States. If there be any doubts entertained as to the jurisdiction of the Mississippi River—which has for years been exercised in the establishment of ports of entry, in the erection of light-houses, and in the supervision of steamers, and tonnage duty imposed on them—it is resolved by the fact that if the power of preserving its navigation unimpaired, and of keeping open the communication between establishments of its own creation, is not in the General Government, it is to be found nowhere, for no one State or Territory can claim or perform what belongs *to* and requires the joint action of the many; and the free and uninterrupted navigation of which is indispensable, whether for the purpose of general trade or the means of general defence.

Relying, therefore, on the legitimate powers of the Congress of the United States, the committee, in behalf of the States bordering on the Mississippi and northern lakes, and of the Gulf of Mexico, represented at the Memphis Convention, do most earnestly urge on the grave consideration of your honorable body the early and efficient exercise of your powers on all the objects enumerated in the resolutions, and which, in the opinion of the people of the West, have not hitherto commanded that attention which their importance would seem to claim from your legislation.

The valley of the Mississippi is no longer a Territory or a frontier: it has now become the "bone and sinew"—the centre of the Union; standing midway between those States on the Atlantic which first gave life and impulse to our free and liberal institutions, and *those* which, under the silent but certain influences of those institutions, are destined to

form new stars, to the very borders of the Pacific, in the American constellation. In the rapid progress of improvement, the valley now numbers ten sovereign and independent States, who have become parties to the compact of the old thirteen, and contains ten millions of inhabitants, with an internal and export trade transcending all other parts of like extent and population in the world, and very nearly equal to the entire export and import trade of the United States. Not one tenth of its resources, either in agricultural, commercial, manufacturing, or mineral wealth, has as yet been developed. It is difficult for the most sanguine to estimate or rightly appreciate the destinies yet in store for this favored land of promise. It has, however, but one natural outlet to the highway of nations—but one common channel on which must float to market the annual productive industry of its enterprising and increasing population. This concentration of all its trade—of all its external and internal communications—on but one common avenue, renders it the still more important and necessary that the navigation of that highway for all public purposes should be preserved unimpaired, and its mouths kept unobstructed by the annual alluvial deposits brought down by the descending currents of its tributary streams. Your memorialists are bewildered by the mere speculation of what would be the terrible consequences to the commercial, social, and political relations of these United States, if, like the Nile (an event not at all impossible), the Mississippi should be closed to the *ingress* and *egress* of foreign shipping. That river is as important to States on the Atlantic as is the Atlantic to the communities bordering on the river. They are both highways of commerce, and in all their relations to the States of the Union exercising an influence so *common* in their benefits to the whole, as to demand, as your memorialists believe it will, the supervision and protection of the general representatives in Congress. The United States of America may, for the

present, be divided into three grand sections: First, the States bordering on the Atlantic; second, those bordering on the Northern lakes; and, third, those on the Gulf of Mexico, and, what may be considered an arm of that gulf, the Mississippi. The legislation of Congress has, with a vigilant eye and a liberal hand, fulfilled all its obligations to the first section. Hundreds of thousands of dollars have been expended on a preliminary work of a coast survey, to ascertain with accuracy its longitudes and latitudes, and to lay down with precision its headlands and its shoals; light-houses attract notice at every entrance, and beacons on every prominent point indicate the shoals on the coast which endanger navigation. So illuminated is the Atlantic horizon by these commercial stars, that the navigator scarcely has passed one on his stern but another casts its light on his bow. Its harbors, from St. Croix to Cape Florida, have been examined, surveyed, and resurveyed—some of them improved, and all of them fortified. A system of military and naval preparations for defence has long been perfected, and in that section is in rapid progress of completion. The annual appropriations show the large sums which have been applied in the building of naval stations, dry-docks, marine hospitals, in the furnishing of the materials of war, in the erecting of arsenals and armories, and in the casting of cannon. Under, likewise, the powers of the Post-office Department, a system has been organized by which intelligence by mails and the magnetic telegraph is extended to every village, town, and city on the Atlantic, with all the certainty and speed practicable.

On the lake border the admonitions of the late war and its frontier relation to a foreign power have early attracted attention to the improvement of its harbors, in the erecting of light-houses, and in the military and naval preparations in progress of completion; and although much is yet left unaccomplished in that important section, your memorialists

feel assured that it will continue to claim the impartial legislation of Congress.

In behalf of the last, and by no means the least important section of the Union, whether we estimate, in the comparison, its population, its productive industry, the capabilities of its soils, its varied agricultural and animal productions, its manufacturing powers, and its inexhaustible mineral resources ;—in behalf of this vast valley of the Mississippi, and of the Gulf of Mexico, now extending from the capes of Florida to the Rio del Norte ; of this centre assemblage of independent nations ; of this midland body of the American eagle, whose eastern and western wings are now expanding from the Atlantic to the Pacific, your memorialists ask no more than an *equitable* and *just proportional* legislation for their *common interests* and *protection* within the legitimate powers of the General Government, which has been and is still annually claiming the consideration and action of your honorable body on the Atlantic and lake sections ; they ask, not as a boon, but in *justice* and for *common good*, that the rivers Mississippi and Ohio be kept open, and their navigation, as far as practicable, be preserved unimpaired at all times to the gulf, believing, as they have been sustained by the unanimous voice of the Memphis Convention, that those rivers, but in a vastly greater and more imposing degree, bear the same military and commercial relations to the Gulf of Mexico as does the Chesapeake to the Atlantic. It is the right and strong arm of the Mexican gulf—as essential to its defence in time of war, as it is important to its commerce in the more pacific days of peace. But for the facilities which the Mississippi afforded for the transportation of the personnel and materiel of war, the triumphs of the 8th of January would probably have never been achieved ; and the Delta of Orleans would have fallen an easy victim into the hands of the invader. The angry floods, however, of that mighty stream, at the hour of danger, came to the rescue of Jackson, and inundated the

plains of menaced Orleans, with stout hearts and strong arms, in the hour of need, as it now does its levée with the rich productions which nourish and animate its trade. In its commercial, as well as its military relations to the gulf frontier, the Mississippi claims the consideration of Congress; and to that honorable body your memorialists are instructed to appeal for the appropriations which, on examination, may be found necessary to preserve, unimpaired the navigation of the Mississippi and of the gulf, and for those military and naval preparations in peace which may be essential in time of war. Under the first division are included light-houses, fortifications, arsenals, and a national armory and foundery. In but few of the harbors of the gulf are there at present any fortifications. Many of them still remain exposed, while in others the works are incomplete, and most of those finished destitute of armament. The key of the gulf, at Key West and the Tortugas, still remains unoccupied; and although examined and reported upon many years since most favorably by a board of both military and naval engineers, as the *point* which not only commands the entrance, but would exercise a powerful control over that whole inland sea, the appropriations have as yet been limited to a sum scarcely adequate to prepare the ground for a foundation. While on the subject, your memorialists may be permitted to advert to the fact that no part of the world affords greater facilities for the construction of works of defence than do the Keys of Florida. The most important and costly material (the stone) may be quarried on the spot, and of a quality for durability such as has stood the test of ages in the impregnable fortifications at Havana. As natural appendages to these fortifications in the gulf, your memorialists ask for armories, arsenals, and founderies on the western waters; and in this appeal they are sustained by the consideration that munitions of war should be held in deposit at the most eligible point nearest where they may be required for use, and by the fact

that no part of the Union can furnish better locations for such establishments, where the materials, the labor, and the skill can all be commanded on the spot, and applied with the greatest economy. The mineral wealth of the West is not unknown. Most of the materials now used in the eastern armories, particularly iron, lead, and copper, are drawn from the Mississippi valley, manufactured and returned in a new form for use at the place whence first removed.

One of the resolutions relates to a national foundery; and your memorialists have been directed to impress this object particularly on the notice of your honorable body, as such an establishment, though often recommended, has not hitherto met the sanction of Congress. Our cannon are cast by contract; the arm which, of all others (as it endangers the lives of those who use it as well as of those against whom directed), should require the lights of science, and vigilant inspection in preparing the material for casting. Whatever may have been the past fidelity with which contractors have fulfilled their obligations, the melancholy catastrophe on board the Princeton inculcates a lesson, that the cannon, like the arms, on which the United States rely for success in war, should be fabricated in establishments under the sole direction and government of competent, scientific, and responsible officers of the army. In the naval defences of the gulf, the resolutions of the convention enumerate the construction of war steamers, the establishment of marine hospitals, and of dry-docks. These are all appendages of naval preparations for defence, and the same arguments which enforce the propriety of the construction of armories and founderies on the western waters apply with equal force to those vessels of war, and establishments connected with the naval system. If iron steamers, for purposes of war, should become the policy of our Government, the western country, in the material, skill, and economy of labor at hand, will furnish the elements by which they may be cheapest con-

structed, and the consideration which should induce their construction in the West. Marine hospitals are so essentially a part of the naval system, that the neglect of these establishments on the western waters, for the comfort and relief of the sailor, under all the exposure, hazards, and sufferings of his adventurous profession, is more a matter of surprise than of complaint. Your memorialists, therefore, believe that it is only necessary to advert to the fact to claim for these establishments your earliest action. Dry-docks, for examination and repair in the Gulf of Mexico, would seem to be an indispensable part of a navy yard.

The Mexican gulf is isolated, and the intricacies of the navigation by the Florida capes and reefs add both to the hazard and the time necessary to accomplish a voyage to the Atlantic ports. The naval force, therefore, operating in the gulf may often be embarrassed for the want of the means of supply, and refitting at yards near at hand. A recent occurrence, and at a critical moment, furnished the strongest argument in favor of the policy suggested. The Potomac, the flag-ship of the commodore, though direct from a dock on the Atlantic, was found defective on her arrival in the gulf. Though every expedient which ingenuity could devise at the Pensacola yard was resorted to, her leaks could neither be discovered nor remedied. One day in dock would have sufficed for examination, and a few more in addition repaired her for service; but the want of a dock compelled the commodore to send her north, and her condition required an escort. Thus, at a critical period, the flag-ship and her consort were withdrawn from a fleet then engaged on a most important enterprise, in which the co-operation of these two vessels might have been indispensable to success.

On the mail facilities, to which one of the resolutions relates, your memorialists do not deem it necessary to enlarge, as the able head of the Post-office Department is from the West, and cannot be indifferent to the necessity of prompt-

ness and despatch of the mail, or to the wants of that growing and rapidly improving section, where towns, villages, and communities, all requiring mail facilities, rise like magic, and have confidence that the General Government will extend to them the same despatch and certainty in transmitting mail intelligence, whether by steam, horse, or magnetic power, which is afforded to other parts of the Union. The resolutions which relate to the removal of the obstacles in the Mississippi River, at St. Louis, and for an appropriation for completing the military road (opposite Memphis) to the high lands in Arkansas, were objected to by many of the members of the general committee and convention as in conflict with the rule of entertaining no question which involved a difference of opinion on the powers of the General Government. They were, however, after some discussion, passed by a majority of the convention. Your memorialists, therefore, in presenting these among the other objects claiming your patronage, are bound to state the fact, that those who dissented from the majority of the convention may not be considered as committed as to the legitimate power to whom application for the remedy asked should be made. The obstructions in the river at St. Louis alluded to are truly alarming to that enterprising and populous city. They are threatened with the possibility of their losing their position on the river, and of being transformed from a seaport to an inland town ; and the subject of remedy merits, as we have no doubt it will receive, the consideration of your honorable body as to the extent to which relief can be extended.

The road through the swamp to the high lands of Arkansas was deemed of sufficient military importance, many years ago, to command the action of Government. It was surveyed, located, and in part finished by appropriations made by Congress. The recommendations in favor of the public importance of the road not only remain in full force, but are stronger, under the influences of the present day, now that

the tide of emigration at full flood is setting West, and the great width and impassable character of the Mississippi swamp present such insuperable obstacles elsewhere to a communication with the high lands in the interior.

The 6th resolution is on the project "of connecting the Mississippi River with the lakes of the North by a ship canal, and thus with the Atlantic Ocean," and is presented as a measure worthy "the enlightened consideration of Congress." As a mere speculative improvement, within the limits of a single State, simply to open a new channel between other natural outlets of commerce, this project could claim probably no action from your honorable body. As a ship canal (if practicable) connecting the northern lakes of the Mississippi with the Gulf of Mexico, it may, however, under the powers of the General Government to provide for the general defence, merit "the enlightened consideration of Congress." The frontiers of the lakes and gulf are now disconnected. They are in opposite directions, and at the extreme points of the Union; and the naval forces intended for the defence of either must be local, prepared for that specific object. By no means could they now be made to combine or co-operate together. If the Mississippi, however, could be made navigable at all seasons for war steamers, and a communication of like capacity could be opened between that river and northern lakes, it must be apparent to your honorable body that the project might be made to contribute most essentially to the security of the country in time of war, not merely in the great despatch secured, but in the greater economy in the application of the means to the end. It would enable our fleets to circumnavigate three quarters of the circle of the Union. It would enable one fleet to act on two frontiers, or two fleets to combine and co-operate, whether in the gulf or lakes, wherever danger called. The practicability of the project, established by scientific examination and survey, and its policy, as a means of protection, would merit grave considera-

tion. The resolutions relating to the reclaiming of the swamps of the Mississippi, and to the patronage of the General Government in behalf of railroads, come within the powers and jurisdiction of Congress as a land proprietor. It is well known that the Mississippi, in its downward course to the gulf, inundates, in its annual floods, an immense domain on both of its banks. Uncontrollable when the mountain elevations are discharging their accumulated waters, a boundless and agitated sea is presented, alarming even to those who have not in their improvements encroached on the low lands. The settlements of the emigrants and the labor of years have often been destroyed in a night, and during this period of flood all intercourse between the high lands east and west is cut off. At no point on the Mississippi are bluffs on one side met by corresponding headlands on the other; and thus it is only during the period of low waters that any intercourse between the hither and thither sides of the Mississippi can be maintained. These swamps, however, thus formed from alluvions of the river, are among the most fertile lands of the West, and, like those of the Nile, derive fresh vigor and fertility from every inundation. If they could be rendered safe from these overflowings, they would be the garden spot of the United States, and contribute more to the wealth and subsistence of man than any portion of similar extent in the world. Most of the lands are owned by the United States. Private enterprise cannot improve them, and no project of reclamation can be carried on but by the combined operation of all concerned. The motive and consideration to reclaim them is founded in the fact of the enhanced value which will be imparted. The lands in their present condition are worthless; *reclaimed, they would be of inestimable value;* and your memorialists present, therefore, to your honorable body as worthy of consideration, the appropriation of a part, or some other plan which in your wisdom would seem more appropriate and practicable, by which these swamps may be

reclaimed for cultivation, and Government indemnified for the portion surrendered in the enchanced value of the part retained.

Intimately connected with this subject is the improvement of the navigation of the Mississippi. The science of the engineer has been bewildered on the subject of the improvement of rivers. Those free from rock, and which, like the Mississippi, course through alluvial formations inundating its banks, depositing and making the very soils through which they cut, are uncontrollable and most difficult of improvement. A great engineer in England, when substituting a canal for a river, is known to have exclaimed in explanation, "that rivers were made to feed canals." The expenditures on the Mississippi thus far, if reports are to be credited, have produced no results corresponding to the vast sums appropriated. Where the channel has been straightened at one point, it has been lengthened at another, and obstructions or deposits in one bend have only been transferred in their removal to another. Sawyers and planters have in one season been reduced in number, to be replaced the succeeding one. The only fact clearly established—and it is one to which attention should be particularly directed, as bearing with peculiar influence on the proposition submitted—is, that where the banks of the Mississippi have been leveed, and prevented from inundating the swamps, the spring rises are scarcely perceptible, and the surplus waters are discharged by *deepening the bed;* its currents no longer able to rise and expand over a wider surface, they have to deepen the bed to furnish vent for the waters to be discharged. This is particularly the characteristic of the river below Natchez—the highest point of continued embankments; the river from thence to its mouth is comparatively uninterrupted, and presents few or no sand-bars obstructing its navigation. Opposite New Orleans its depth is very great; and, as the city authorities encroach on the river, it either deepens its bed, or cuts from

the opposite shore. The reclaiming, therefore, the swamps, and confining the river to its bed, will deepen it, and do more to preserve unimpaired the navigation of the Mississippi, than all the projects which have hitherto been devised or acted on for its improvement. The suggestion, however, is worthy of examination; and it is the stronger recommended, as it may accomplish a great object at comparatively little cost. The swamps of the Mississippi, now worthless, and made so by the inundations of that river, may be made, by their own reclamation, the instruments of improving the navigation of that stream.

The last resolution, on the subject of railroads, invokes no aid from your honorable body but such, as a proprietor of the public land, it may be for the interest of the Government to grant, and which would, in all similar instances, be cheerfully ceded by private individuals through whose domain a railroad might pass. The projects which received the favorable consideration of the convention were roads passing at right angles to the natural outlets or avenues of trade; crossing the ridges and mountains, and intersecting interior districts remote from navigation, and hitherto, from their secluded situation, of little value. They develope, therefore, new sources of agricultural and mineral wealth, and bring into more intimate commercial and political relations the west with the south Atlantic border, hitherto estranged from each other by the interposition of mountain elevations. These roads are in the direction from the seaports of South Carolina and Georgia—first, in a north-western direction to Nashville, on the Cumberland; second, to Memphis, on the Mississippi; third, by Montgomery to Vicksburg, Grand Gulf, and Natchez; fourth, from Montgomery to Pensacola, Mobile and New Orleans. Though these roads, in their incipient conception, are made to terminate on the Gulf of Mexico and the Mississippi, they must and will advance with the on-

ward population west, and find no *termini short of the Pacific.*

Sections of these roads, many of them, have been commenced, some finished, others in progress. They are all within the powers of the States and territories through which they pass to construct, and all present sufficient objects for private enterprise to embark on. Your memorialists, therefore, in behalf of the Memphis Convention, do not ask of your honorable body pecuniary appropriations in aid of these undertakings, but, simply, that you will, by a general law, grant the right of way, and the alternate sections to those roads which pass throughout the public domain; and they ask this with the more confidence, as, from the interior position of the country through which these roads will course, they will bring into notice lands now of little value, and will, in the appreciation of the sections retained, more than remunerate Government for the sections surrendered. Were your memorialists, however, authorized by the convention, they might transcend the limits of their application for public patronage, by showing that there is more than a common interest in all the commercial, social, political, and moral influences which these railways are destined to exercise on the whole United States. Steam has, in its application to machinery and navigation, revolutionized the world; and in its last application in the locomotive on land, it has achieved its greatest triumph. The antiquated notion that republics could not cover space, and were only adapted to communities limited in territory and population; the morbid sensibility of patriots now no more, and the sickening apprehension of living statesmen that our confederation of nations would be weakened by expansion, or break down by the ponderous power of its own weight, have all been dissipated by the developments of steam on railways. By the magical flights of the locomotive, and the magnetic influence of the telegraph, distant worlds have been brought into close communion,

space has been annihilated, rivers leaped, and mountain elevations been subdued. The most remote communities have been narrowed into neighborhoods, and Boston and Charleston, by continuous railways, have, as to time, been brought nearer to the capitol at Washington than are many of the contiguous counties of Maryland and Virginia. These roads, then, extending with our population—following in close succession the emigrant's track to the West, making him feel that he has not separated from his kindred and friends—will prove the surest guarantees of that Union which a common origin, common sympathies, and common institutions gave rise to, and fidelity to which can alone perpetuate.

All of which is respectfully submitted by your obedient servant,

JAMES GADSDEN, of South Carolina,
Chairman, and in behalf of Committee.
J. GUTHRIE, of Kentucky,
R. BARTON, of Mississippi,
LEROY POPE, of Tennessee,
J. LUCA, of Missouri.

CORRESPONDENCE

In relation to the Annexation of Texas.

PRELIMINARY REMARKS.

[It may be of some interest to the general reader to accompany the publication of the following papers with a brief statement of the principal facts and circumstances connected with them, which occurred previous to the execution of the treaty.

Texas, in 1836, threw off the Mexican yoke, and by the decisive battle of San Jacinto established her independence. In the same year she adopted her constitution, and by an almost unani

mous vote of her people, declared her wish to be incorporated into our Union. The parties and leading politicians of this country were, however, too much absorbed in the Presidential election to pay any attention to the subject, though more than once brought to the notice of the Executive and Legislative Departments of the Government. In 1837, a formal proposition to the same effect was made by Texas, but, for reasons not more elevated or patriotic, it was declined. The same result attended a similar effort of the friends of Texas in 1840, when the Presidential election again interposed impediments. Still earnest in her desire to attain an object so essential to the prosperity and peace of the two countries, Texas, again, in 1842, proposed to open negotiations; but owing, doubtless, to the political complexion of the Cabinet, her advances were coldly repelled, and she was driven to seek for sympathy and protection in other quarters. Entangling alliances with foreign Governments of a different political structure, she did not willingly seek; but she was compelled, by the unwise conduct of our own, combined with a sense of weakness, physical and financial, to look to them, although they might involve future calamity, as the only means of averting present and imminent danger. The British Government, it was believed, stood ready to throw its protecting shield over her, on certain conditions which, though well understood now, were then matters of inference. Urged, probably, by considerations connected with this subject, the President (Mr. Tyler), ever zealous in the cause of Texas, felt the necessity of reorganizing his cabinet; and, in the following year, Mr. Upshur was called to occupy the place of Mr. Webster, as Secretary of State. To his zeal, vigilance, industry and profound statesmanship, cordially sustained as he was by the Executive, the country is, in no small degree, indebted for the renewal of the negotiation, and the final consummation of a measure so important to both countries.

In June, 1843, the *World's Convention*, as it was called, a body which obtained an infamous notoriety at the time, as well on account of the material of which it was composed, as of its mad and mischievous schemes, assembled in London. One of its principal objects, perhaps the only one which interested the American, or (to speak more properly) the *New England* delegation, was to urge on the British Government the importance of securing the abolition of slavery in Texas, as the most effectual means of in-

volving their own country in a civil and servile war; and, finally, of dissolving the Union. To this end, they waited in a body on Lord Aberdeen, the principal Secretary of State for Foreign Affairs, and proposed that the British Government should either make a loan, based on the security of the public lands of Texas, or at least guarantee the payment of interest on such a loan, to be devoted exclusively to the abolition of slavery within its limits. Some doubt still rests on the immediate result of this proposal; for, although in his interview, at a subsequent date, with the Minister of the United States, Mr. Everett (who, it would seem, was strangely ignorant of this and other previous movements connected with the subject, or, not less strangely, unimpressed with their importance), Lord Aberdeen states that "he gave them no countenance whatever," yet, he admits, at the same time, "he informed them that, by every *proper means* of influence" (terms of very vague and unsettled signification), he would encourage the abolition of slavery; and that he had recommended the Mexican Government to interest itself in the matter." In what mode, he does not state; and the only reasonable inference that can be drawn from the language is, that the acknowledgment, on the part of Mexico, of the independence of Texas—a power formally recognized as independent by his own Government,—should depend, in some measure at least, on the abolition of slavery within its limits,—a condition which he had not directly assumed the responsibility of imposing when the acknowledgment of Texan independence was pending before his Government. Without minutely inquiring into the theory of political morals, we might well ask whether the usurer's practice of speculating on the necessities of his victim be recognized as lawful in the code of British diplomacy; whether this indirect exercise of power over a feeble and friendly State, seeking aid and protection, be in itself, or because indirect, one of the "*proper means* of influence," and gives a moral sanction to the *end* contemplated? To the United States,—the power most deeply interested,—it was quite immaterial whether a loan of money,—or a guarantee of interest on a loan,—or the exercise of influence over Mexico, should be selected as the "proper means" to involve them, through Texas, in the greatest conceivable calamity. Mr. Everett, however, does not, from the correspondence, seem to have questioned either the ethics or objects of the Secretary.

But there was about the same time another interview between Lord Aberdeen and a general committee of the Convention, at which Mr. Smith, the Texan Chargé d'Affaires was present, and who stated to Mr. Everett that, during the conversation, his lordship "assured the committee that the British Government would employ all *legitimate means* in their power to attain so great and desirable an object;" and that one of the members of the committee afterwards "informed him that, in their interview with Lord Aberdeen, his lordship made observations which warranted them in saying that the British Government would guarantee, *if necessary*," (*i. e.*, if the effort through Mexico should fail?) "the interest of a loan which should be raised and applied to the abolition of slavery in Texas; but not of a Texan loan for any other purpose whatever." Yet, notwithstanding these facts, Lord Aberdeen, in reply to a note of Mr. Smith addressed to him on the subject, says that he (Mr. S.) "does the British Government no more than justice, in forbearing to impute to them any design to interfere with the internal concerns of Texas in reference to slavery!"

Again; at a subsequent date, "in a long interview with Lord Aberdeen, at his request," Mr. Everett informs us that, in allusion to the interest felt on the subject in the United States, Lord Aberdeen replied, "that he felt the delicacy and importance of the subject,—repeated the allusion made in the former interview to the state of public sentiment in England,—and said that, while it could not be expected of her Majesty's Government to hold a language, or pursue a policy at variance with the opinions which they shared in common with the whole country, yet he should certainly think it right not to give any just cause of complaint to the United States. As far as Texas was *directly* concerned, they had, as he had already informed me, made no proposition to *her* whatever. They had *connected* the subject of the abolition of slavery in Texas, with a recommendation to Mexico to acknowledge her independence."

Such were the objects,—such, in part, the means of effecting them,—and such the justification, on the part of the British Government, for interfering with the domestic institutions of a friendly and feeble power;—institutions which, from their very nature and the contiguity of the two countries, were inseparably and (had her diplomacy prevailed) fatally connected with the peace, safety, and prosperity of the United States. And yet it does not appear from the

published correspondence, that either the justice, propriety, or sufficiency of these were, in any manner, called in question by Mr. Everett, not even when they had produced the most profound sensation throughout the Union. Indeed, it would seem that he was entirely ignorant of these diplomatic manœuvres and machinations, or that he deemed them of too little moment to be made the subject of a communication. The first intimation received by the Government, in regard to them, was derived from a private source, and through the agency, we believe, of Mr. Calhoun. The next was through the columns of a London paper, containing a report of a conversation between Lords Brougham and Aberdeen, which occurred in the House of Lords on the 18th of August, 1843, and which, as the reader may not have the paper in his possession, we venture to extract. It is in the following words:—

"Texas.—In the House of Lords, on Friday, the 18th August, Lord Brougham introduced the subject of Texas and Texan slavery in the following manner:

"Lord Brougham said that, seeing his noble friend at the head of the Foreign Department in his place, he wished to obtain some information from him relative to a State of great interest at the present time, namely, Texas. That country was in a state of independence, de facto, but its independence had never been acknowledged by Mexico, the State from which it was torn by the events of the revolution. He was aware that its independence had been so far acknowledged by this country that we had a treaty with it.

"The importance of Texas could not be underrated. It was a country of the greatest capabilities, and was in extent fully as large as France. It possessed a soil of the finest and most fertile character, and it was capable of producing nearly all tropical produce, and its climate was of a most healthy character. It had access to the Gulf of Mexico, through the river Mississippi, with which it communicated by means of the Red River. The population of the country was said to exceed 240,000, but he had been assured by a gentleman who came from that country, and who was a member of the same profession as himself, that the whole population, free and slaves, white and colored, did not exceed 100,000; but he was grieved to learn that not less than one fourth of the population, or 25,000 persons, were in a state of slavery. This point led him to the foundation of the question which he wished to put to his noble friend. There was very little or no slave trade carried on with Texas from Africa, directly; but a large number of slaves were constantly being sent overland to that country. Although the major part of the land in Texas was well adapted for white labor, and therefore for free cultivation, still the people of that country, by some strange infatuation, or by some inordinate love of immediate gain, preferred slave labor to free

labor. As all access to the African slave market was shut out to them, their market for slaves was the United States, from whence they obtained a large supply of negro slaves. The markets from whence they obtained their supply of slaves were Georgia, the Carolinas, and Virginia, which States constantly sent their surplus slave population, which would otherwise be a burden to them, to the Texan market. No doubt it was true, as has been stated, that they treated their slaves tolerably well, because they knew that it was for their interest to rear them, as they had such a profitable market for them in Texas. This made him irresistibly anxious for the abolition of slavery in Texas; *for if it were abolished there, not only would that country be cultivated by free and white labor, but it would put a stop to the habit of breeding slaves for the Texan market. The consequence would be, that they would solve this great question in the history of the United States, for it must ultimately end in the abolition of slavery in America. He therefore looked forward most anxiously to the abolition of slavery in Texas, as he was convinced that it would ultimately end in the abolition of slavery throughout the whole of America.* He knew that the Texans would do much, as regarded the abolition of slavery, if Mexico could be induced to recognize their independence. If, therefore, by our good offices, *we could get the Mexican Government to acknowledge the independence of Texas, he would suggest a hope that it might terminate in the abolition of slavery in Texas, and ultimately the whole of the Southern States of America.* The abolition of slavery in Texas must put an end to one of the most execrable crimes (for he would not designate it by the honorable name of traffic) that could disgrace a people, namely, the rearing and breeding of slaves, or the being engaged in the sale of our fellow-creatures. He therefore hoped that his noble friend would have no difficulty in letting him know whether he could give any information as to the state of the negotiations on this subject, or as to the nature of the instructions that had been given to our minister in that country. If the production of such documents in the furnishing such information was not suitable at the present moment, he would not press his noble friend; but he had no doubt that his noble friend could confirm his statement, and he trusted that the government would not lose any opportunity of pressing the subject whenever they could do so with a hope of success."

"The Earl of Aberdeen, in reply, said that he could state that not only had this country acknowledged the independence of Texas, but also that we had a treaty of commerce and a treaty for the abolition of the slave trade with that power. He did not believe that there was any importation of slaves into Texas by sea, but it was true that there was a large importation of slaves from the United States into that country. Immediately on the negotiations being entered on with Texas, the utmost endeavors of this country were used to put an end to the war which prevented the full and entire recognition of the independence of Texas by Mexico. Their endeavors had met with very great difficulties; and he was unable to say that there was an immediate prospect of obtaining the recognition of the independence of

Texas on the part of Mexico; but it was with great pleasure that he was able to say that, probably, the first step to this had been obtained, namely: that an armistice had been established between the two powers; and he hoped that this would lead to the absolute acknowledgment of the independence of Texas by Mexico. The armistice was an important step to obtain; *and he need hardly say that every effort on the part of Her Majesty's Government would lead to that result which was contemplated by his noble friend. He was sure that he need hardly say that no one was more anxious than himself to see the abolition of slavery in Texas; and if he could not consent to produce papers, or to give further information, it did not arise from indifference, but from quite a contrary reason. In the present state of the negotiations between the two countries in question, it would not contribute to the end they had in view if he then expressed any opinion as to the state of those negotiations; but he could assure his noble friend that, by means of urging the negotiations, as well as by every other means in their power, Her Majesty's ministers would press this matter.*

"Lord Brougham observed that nothing could be more satisfactory than the statement of his noble friend, which would be received with joy by all who were favorable to the object of the anti-slavery societies."

These facts and circumstances, thus brought to the notice of the Government, excited the profoundest interest, and the President immediately directed that a despatch be prepared and forwarded to Mr. Everett, with instructions to apply directly to Lord Aberdeen with the view of obtaining distinctly the intentions and purposes of the British Government in reference to the subject. Accordingly, on the 28th of September, 1843, Mr. Upshur addressed to Mr. Everett two communications,—the one public, the other confidential,—in which the whole subject, in all its various and momentous bearings on the peace, the security, and the prosperity of the United States, was ably and elaborately discussed. Few papers, in the annals of our diplomacy, equal them in clearness, vigor, profound reflection and far-reaching foresightedness. The views they presented, the positions they assumed, the principles they advanced, were sustained, with irresistible force, by reason, justice and truth; and the Minister was authorized to avail himself of them in bringing the subject to the attention of Lord Aberdeen. This privilege, however, does not appear to have been exercised. In giving an account of two subsequent interviews with the British Secretary, Mr. Everett does not state that the substance of these papers was submitted to him. He only mentions, incidentally, that, "in the long interview," "I told him he must not be surprised

at the interest taken in the subject, in the United States, when he remembered that Texas and the United States were border countries, and the *necessary effect of the abolition in Texas, on slavery as existing in the Union.*" This gentle admonition, founded on the "interest taken in the subject in the United States," was as gently returned, on the part of the British Minister, by "an allusion to the state of public sentiment in England;" and the subject, so far as we learn from the correspondence, was dismissed. It does not appear that the British Government was in possession of the views of ours on the subject, until after the execution of the Treaty of Annexation, when they were communicated to its Minister at Washington by Mr. Calhoun.

Be this, however, as it may, the purpose and policy of the British Cabinet could not be doubted; and the question was of too urgent and important a nature to admit of delay. Even then, it was by no means certain, that Texas, repulsed by the folly—to say the least of it—of our Government, and driven by the pressing necessities of her peculiar position, had not been seduced or constrained to enter into some agreement or alliance which would for ever exclude her from the pale of our Federal Union. Urged by these considerations, Mr. Upshur, under the direction of the President, addressed a note, dated October 16th, 1843, to the Texan Chargé d'Affaires at Washington, inviting a renewal of negotiations, and informing him that, as soon as he (Mr. Van Zandt) could procure full powers from his Government, the President would be ready to enter into a treaty of annexation. A copy of this communication was immediately forwarded by a special messenger; but after some delay, and to the great surprise both of the President and the Chargé, the Executive of Texas declined to grant the necessary powers,—thus rejecting the proposition altogether. No reasons for this sudden change of policy were, we believe, assigned by the Executive; and as it was well known to all that the measure was warmly approved, almost unanimously, by the people of Texas, —rumors and suspicions of the darkest and most derogatory character came to supply their place. Whether they had any just foundation in fact was left to conjecture. The mystery was subsequently attempted to be explained, as being a mere *trick of State*,— a harmless indulgence of national "*coquetry.*" If this be so, it must, at least, be admitted that such antics little comported with

the dignity of the subject or the pressing importance of the occasion. The popular indignation, however, soon put an end to such maidenly flirtations, if we must so regard them, and a well-timed intimation that a treaty would probably be signed, and submitted directly to the people for their ratification, drew forth the necessary powers sometime afterwards. In the mean while the negotiations, informally, had made some progress, when, in the latter part of February, 1844, they were arrested by the sudden and tragical death of Mr. Upshur on board the Steamer Princeton. This melancholy event, while it cast a deep gloom over the country, led to the appointment of Mr. Calhoun, who, a few days thereafter, was nominated by the President, and by a unanimous vote of the Senate, invited to take charge of the Department of State. He reluctantly accepted the appointment (which he had two years before declined), and entered on the discharge of its duties about the last of March, 1844. The negotiation was, of course, promptly renewed,—full powers having been received for that purpose by the Texan Chargé d'Affaires,—and prosecuted with so much vigor, that the Treaty of Annexation was, on the 12th of April following, duly prepared in duplicate and signed by the plenipotentiaries of the respective Governments.

Thus fortified and secured against the machinations of foreign diplomacy, the friends of the measure indulged the confident hope that no sinister influences, no narrow aims of faction, no schemes of personal ambition would be allowed to defeat its ratification. In this, however, they were disappointed. They had not fully considered the political depravity of the times,—nor well weighed the elements of opposition which personal malignity and ambition, aided by the fiercest feelings of faction, could rally against it. The ever disturbing canvass for the Presidency was agitating and distracting the country,—and the conventions of the two great parties, (we use the term only in deference to popular custom),—instituted at a then comparatively recent date, for the purpose of substituting the will of partisans for that of the people in the selection of a Chief Magistrate,—were to assemble in a few weeks. Their two most prominent candidates, Mr. Van Buren and Mr. Clay, perceiving that the subject would necessarily embarrass their respective adherents in the free States, after full and free consultation, it is believed, very naturally decided that it was better that Texas

should be lost to the country, at least for the present, than that the important contest pending between them should be disturbed by any new issue. The Abolition party, whose vote was sincerely desired, and zealously courted by both, concurred, of course, in this line of policy; and though impelled by different motives, brought to its support all the weapons that fanatic zeal, frenzied bigotry, and fiendish malice could wield. Below these in position, as in the scale of intellect and morals, were arrayed a few of the meaner sort—a mercenary band, whose personal hatred of the Secretary of State gave ready sanction to indiscriminate opposition without the least regard to principle or consistency. One of the most prominent of these claimed that the measure properly belonged to his management, as he had fondly cherished it for many years,—watching, doubtless, for a favorable opportunity of introducing it as a lever to lift him into the highest official position. Another, equally unscrupulous, declared, in a letter published at the time, that the treaty must be defeated, on the ground that, if ratified by the senate, it would lead to the election of the Secretary, as President of the United States,—and thus disappoint the future expectations of himself and his friends.

With such elements of opposition to encounter, it is not wonderful that the treaty was defeated. The defection of Mr. Van Buren and Mr. Clay was decisive of its fate. The Duke of Sully shrewdly observes that the first law of a French courtier is, to be of the same mind with the sovereign. The remark applies not peculiarly to the French. The result of their manifestoes was the immediate abandonment of the measure by a large portion of their respective friends, hitherto its steady and ardent supporters. But they also made a false reckoning in mistaking the voice of their partisans for the voice of the people. The blow they directed at the measure, recoiled with fearful effect on themselves. The indignation of the country was roused to the highest pitch. Mr. Van Buren and Mr. Clay fell prostrate before it—the Abolition party exhausted its rage in impotent denunciations—the lower elements of opposition, baffled in their malice, shrunk growling into their hiding-places,—the Senate, appalled at the consequences of its own conduct, was compelled to retrace its steps at the ensuing session,—and before he left the department, Mr. Calhoun had the gratification of inviting Texas to take her place amongst the States of the Union.—EDITOR.]

REPORT

Of the Secretary of State.

DEPARTMENT OF STATE, WASHINGTON, *Dec. 2d*, 1844.

SIR :—In obedience to your instructions, I have the honor, herewith, to transmit copies of a correspondence with the Government of Mexico and Texas, growing out of the proposed annexation of the latter to the United States; and also of the correspondence with the Texan authorities in relation to the disarming of a body of Texan forces under the command of Major Snively, by a detachment of United States troops commanded by Capt. Cooke, and the forcible entry, and taking away from the custom-house on Red River of sundry goods and merchandise, by certain citizens of the United States.

By a note recently received from the Hon. C. H. Raymond, acting Chargé d'Affaires of the Republic of Texas, I am informed that the evidence referred to in my note to Mr. Van Zandt, of the 14th of August last, has not yet been received by him.

All which is respectfully submitted.

J. C. CALHOUN.

To the PRESIDENT of the United States.

A TREATY OF ANNEXATION,

Concluded between the United States of America and the Republic of Texas, at Washington, the 12th day of April, 1844. Communicated to the Senate by the President of the United States, April 22, 1844.

The people of Texas having, at the time of adopting their Constitution, expressed, by an almost unanimous vote, their desire to be incorporated into the Union of the United States, and being still desirous of the same with equal unanimity, in order to provide more effectually for their security and prosperity ; and the United States, actuated solely by the desire to add to their own security and prosperity, and to meet the wishes of the Government and people of Texas, have determined to accomplish, by treaty, objects so important to their mutual and permanent welfare.

For that purpose, the President of the United States has given full powers to John C. Calhoun, Secretary of State of the said United States, and the President of the Republic of Texas has appointed, with like powers, Isaac Van Zandt and J. Pinckney Henderson, citizens of the said Republic ; and the said plenipotentiaries, after exchanging their full powers, have agreed on and concluded the following articles :—

Article I.

The Republic of Texas, acting in conformity with the wishes of the people and every department of its Government, cedes to the United States all its territories, to be held by them in full property and sovereignty, and to be annexed to the said United States as one of their territories, subject to the same constitutional provisions with their other

territories. This cession includes all public lots and squares, vacant lands, mines, minerals, salt lakes and springs, public edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks, magazines, arms, armaments, and accoutrements, archives and public documents, public funds, debts, taxes and dues unpaid at the time of the exchange of the ratifications of this treaty.

ARTICLE II.

The citizens of Texas shall be incorporated into the Union of the United States, maintained and protected in the free enjoyment of their liberty and property, and admitted, as soon as may be consistent with the principles of the Federal Constitution, to the enjoyment of all the rights, privileges, and immunities, of citizens of the United States.

ARTICLE III.

All titles and claims to real estate, which are valid under the laws of Texas, shall be held to be so by the United States; and measures shall be adopted for the speedy adjudication of all unsettled claims to land, and patents shall be granted to those found to be valid.

ARTICLE IV.

The public lands hereby ceded shall be subject to the laws regulating the public lands in the other Territories of the United States, as far as they may be applicable; subject, however, to such alterations and changes as Congress may from time to time think proper to make. It is understood between the parties, that if, in consequence of the mode in which lands have been surveyed in Texas, or from previous grants or locations, the sixteenth section cannot be applied to the purpose of education, Congress shall make equal provision by grant of land elsewhere. And it is also

further understood, that, hereafter, the books, papers, and documents of the General Land Office of Texas shall be deposited and kept at such place in Texas as the Congress of the United States shall direct.

ARTICLE V.

The United States assume and agree to pay the public debts and liabilities of Texas, however created, for which the faith or credit of her Government may be bound at the time of the exchange of the ratifications of this treaty; which debts and liabilities are estimated not to exceed, on the whole, ten millions of dollars, to be ascertained and paid in the manner hereinafter stated.

The payment of the sum of three hundred and fifty thousand dollars shall be made at the Treasury of the United States, within ninety days after the exchange of the ratifications of this treaty, as follows: Two hundred and fifty thousand dollars to Frederick Dawson, of Baltimore, or his executors, on the delivery of that amount of ten per cent. bonds of Texas; one hundred thousand dollars, if so much be required, in the redemption of the exchequer bills which may be in circulation at the time of the exchange of the ratifications of this treaty. For the payment of the remainder of the debts and liabilities of Texas, which, together with the amount already specified, shall not exceed ten millions of dollars, the public lands herein ceded, and the net revenue from the same, are hereby pledged.

ARTICLE VI.

In order to ascertain the full amount of the debts and liabilities herein assumed, and the legality and validity thereof, four commissioners shall be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall meet at Washington, Texas,

within the period of six months after the exchange of the ratifications of this treaty, and may continue in session not exceeding twelve months, unless the Congress of the United States should prolong the time. They shall take an oath for the faithful discharge of their duties, and that they are not directly or indirectly interested in said claims at the time, and will not be during their continuance in office; and the said oath shall be recorded with their proceedings. In case of the death, sickness, or resignation of any of the commissioners, his or their place or places may be supplied by the appointment as aforesaid, or by the President of the United States during the recess of the Senate. They, or a majority of them, shall be authorized, under such regulations as the Congress of the United States may prescribe, to hear, examine, and decide on all questions touching the legality and validity of said claims, and shall, when a claim is allowed, issue a certificate to the claimant, stating the amount, distinguishing principal from interest. The certificates so issued shall be numbered, and entry made of the number, the name of the person to whom issued, and the amount, in a book to be kept for that purpose. They shall transmit the records of their proceedings and the book in which the certificates are entered, with the vouchers and documents produced before them, relative to the claims allowed or rejected, to the Treasury Department of the United States, to be deposited therein; and the Secretary of the Treasury shall, as soon as practicable after the receipt of the same, ascertain the aggregate amount of the debts and liabilities allowed; and if the same, when added to the amount to be paid to Frederick Dawson and the sum which may be paid in the redemption of the exchequer bills, shall not exceed the estimated sum of ten millions of dollars, he shall, on the presentation of a certificate of the commissioners, issue, at the option of the holder, a new certificate for the amount, distinguishing principal from interest, and payable to him or order, out of the net proceeds of the

public lands hereby ceded, or stock of the United States, for the amount allowed, including principal and interest, and bearing an interest of three per cent. per annum, from the date thereof; which stock, in addition to being made payable out of the net proceeds of the public lands hereby ceded, shall also be receivable in payment for the same. In case the amount of the debts and liabilities allowed, with the sums aforesaid to be paid to Frederick Dawson, and which may be paid in the redemption of the exchequer bills, shall exceed the said sum of ten millions of dollars, the said Secretary, before issuing a new certificate, or stock, as the case may be, shall make in each case such proportionable and ratable reduction on its amount as to reduce the aggregate to the said sum of ten millions of dollars, and he shall have power to make all needful rules and regulations necessary to carry into effect the powers hereby vested in him.

Article VII.

Until further provision shall be made, the laws of Texas, as now existing, shall remain in force, and all executive and judicial officers of Texas, except the President, Vice-President, and heads of departments, shall retain their offices, with all power and authority appertaining thereto, and the courts of justice shall remain in all respects as now established and organized.

Article VIII.

Immediately after the exchange of the ratifications of this treaty, the President of the United States, by and with the advice and consent of the Senate, shall appoint a commissioner, who shall proceed to Texas and receive the transfer of the territory thereof, and all the archives and public property, and other things herein conveyed, in the name of the United States. He shall exercise all executive authority

in said territory necessary to the proper execution of the laws, until otherwise provided.

ARTICLE IX.

The present treaty shall be ratified by the contracting parties, and the ratifications exchanged at the city of Washington, in six months from the date hereof, or sooner if possible.

In witness whereof, we, the undersigned, plenipotentiaries of the United States of America and of the Republic of Texas, have signed, by virtue of our powers, the present treaty of annexation, and have hereunto affixed our seals respectively.

Done at Washington, the twelfth day of April, eighteen hundred and forty-four.

J. C. CALHOUN, [Seal.]
ISAAC VAN ZANDT, [Seal.]
J. PINCKNEY HENDERSON, [Seal.]

Messrs. Van Zandt and Henderson to Mr. Calhoun.

LEGATION OF TEXAS, WASHINGTON CITY, *April 15th*, 1844.

The undersigned, &c., in reply to the inquiries of Mr. Calhoun, Secretary of State of the United States, have the honor to submit the following:—

In 1836, after the declaration of the independence of Texas, in pursuance of the orders of the Convention and the expression of the popular will, the President *ad interim*, by his proclamation, ordered an election to be held throughout the Republic, for the ratification or rejection of the Constitution which had been adopted by the Convention, and for the expression by the people of their wishes in regard to the annexation of Texas to the United States. The result was, that, upon a full poll, but ninety-three votes were given against the annexation.

Following up this declared wish of the people, the first Congress that assembled thereafter passed an act empowering the President to appoint a minister to present the question to the Government of the United States. The proposition having been declined, it was deemed prudent, in order to facilitate negotiations with other countries, not to press the question of annexation further, and therefore it was withdrawn.

Subsequently, in 1842, instructions were given for the informal renewal of the negotiations, which, not having been met by reciprocal action on the part of the United States, were, in August last, again withdrawn, and the attention of the Government of Texas directed to the objects calculated, in its opinion, to secure its safety and advance its prosperity, for the attainment of which reasonable assurances had been received. Afterwards, on the 16th of October last, the proposition for the formation of a treaty of annexation was made by this Government, through the late Secretary of State, Mr. Upshur, to the Government of Texas. At that time, no arrangement having been concluded inconsistent with such a step, and the Congress having expressed their approbation of the measure, and every expression of public sentiment fully indicating that the people of Texas were yet desirous to consummate a measure believed to be promotive of the mutual welfare of both countries, and without which, from motives of policy or necessity, they might be compelled to adopt measures which, it is to be feared, would engender a feeling of unfriendly rivalship, productive of discord and strife, and dangerous to their mutual peace and quiet, the President of Texas determined to accede to the proposition, and accordingly empowered the undersigned to adjust the terms of the treaty just concluded.

The undersigned have the most abiding confidence, that, should the annexation be consummated, the same will receive the hearty and full concurrence of the people of Texas.

And believing that the fate of this treaty, be the decision whatever it may, will for ever decide the question of annexation,—a question the continued agitation of which has prevented their Government from pursuing rigorously any other policy,—they feel the highest gratification that this opportunity has thus been offered. They will not anticipate nor speculate upon the consequences of a rejection. Satisfied, however, that the language, institutions, and locality of the two countries have fitted them for becoming members of the same great political family, or fated them to a conflict of interest, which may result in evil consequences, they trust that it may be so determined as to secure the blessings of liberty to both, and promote the happiness of mankind.

Upon the subject of the public lands, the undersigned submit a summary statement, made from a late report of the Commissioner of the General Land Office to the President of Texas.

	Acres.
He estimates the aggregate at	203,520,000
Lands appropriated, ...	67,408,673
Remainder unappropriated, ...	136,111,327

In a report of a committee of the House of Representatives of the Congress of Texas, made to that body on the 12th of January, 1841, the debt and liabilities of the Republic are stated to be as follows :—

Funded debt, bearing 10 per cent. interest, . .	$1,650,000
Bonds sold and pledged, bearing 10 per cent. interest, .	1,350,000
Treasury notes without interest, ...	3,000,000
Debts of various descriptions, say audited drafts and other claims without interest, ...	1,000,000
	$7,000,000

This report includes the interest then accrued, and a number of unaudited claims, supposed to be valid, which were not computed in the report of the Secretary of the Treasury to

the same Congress, which report shows the public debt as less than five millions of dollars.

Since the date above referred to, no further general estimate has been made at the Treasury Department. It is known, however, that the revenues of the Government have nearly equalled its expenditures ; so that the debt has not been materially increased, except from the interest which has since accrued.

The undersigned avail themselves of this occasion to offer to Mr. Calhoun assurances of their distinguished consideration.

ISAAC VAN ZANDT.
J. PINCKNEY HENDERSON.

Hon. JOHN C. CALHOUN, Secretary of State.

Mr. Pakenham to Mr. Upshur.

WASHINGTON, *February 26th*, 1844.

SIR :—In compliance with your request to that effect, I have the honor herewith to transmit to you a copy of the despatch from Her Majesty's Principal Secretary of State for Foreign Affairs, which I had the honor to read to you on Saturday last.

I have the honor to be, with high consideration, your obedient servant,

R. PAKENHAM.

Hon. A. P. UPSHUR

FOREIGN OFFICE, *December 26th*, 1843.

SIR :—As much agitation appears to have prevailed of late in the United States relative to the designs which Great Britain is supposed to entertain with regard to the Republic of Texas, Her Majesty's Government deem it expedient to take measures for stopping at once the misrepresentations which have been circulated, and the errors into which the Government of the United States seems to have fallen on the

subject of the policy of Great Britain with respect to Texas. That policy is clear and simple, and may be stated in a few words.

Great Britain has recognized the independence of Texas, and, having done so, she is desirous of seeing that independence finally and formally established, and generally recognized, especially by Mexico. But this desire does not arise from any motive of ambition or of self-interest, beyond that interest, at least, which attaches to the general extension of our commercial dealings with other countries.

We are convinced that the recognition of Texas by Mexico must conduce to the benefit of both these countries, and, as we take an interest in the well-being of both, and in their steady advance in power and wealth, we have put ourselves forward in pressing the Government of Mexico to acknowledge Texas as independent. But in thus acting we have no occult design, either with reference to any peculiar influence which we might seek to establish in Mexico or in Texas, or even with reference to the slavery which now exists, and which we desire to see abolished in Texas.

With regard to the latter point, it must be and is well known, both to the United States and to the whole world; that Great Britain desires, and is constantly exerting herself to procure, the general abolition of slavery throughout the world. But the means which she has adopted, and will continue to adopt, for this humane and virtuous purpose, are open and undisguised. She will do nothing secretly or underhand. She desires that her motives may be generally understood, and her acts seen by all.

With regard to Texas, we avow that we wish to see slavery abolished there, as elsewhere; and we should rejoice if the recognition of that country by the Mexican Government should be accompanied by an engagement on the part of Texas to abolish slavery eventually, and under proper conditions, throughout the Republic. But although we earnestly

desire and feel it to be our duty to promote such a consummation, we shall not interfere unduly, or with an improper assumption of authority, with either party, in order to insure the adoption of such a course. We shall counsel, but we shall not seek to compel, or unduly control, either party. So far as Great Britain is concerned, provided other States act with equal forbearance, those Governments will be fully at liberty to make their own unfettered arrangements with each other, both in regard to the abolition of slavery and to all other points.

Great Britain, moreover, does not desire to establish in Texas, whether partially dependent on Mexico, or entirely independent (which latter alternative we consider in every respect preferable), any dominant influence. She only desires to share her influence equally with all other nations. Her objects are purely commercial; and she has no thought or intention of seeking to act directly or indirectly, in a political sense, on the United States through Texas.

The British Government, as the United States well know, have never sought in any way to stir up disaffection or excitement of any kind in the slaveholding States of the American Union. Much as we should wish to see those States placed on the firm and solid footing which we conscientiously believe is to be attained by general freedom alone, we have never in our treatment of them made any difference between the slaveholding and the free States of the Union. All are, in our eyes, entitled, as component members of the Union to equal political respect, favor, and forbearance, on our part. To that wise and just policy we shall continue to adhere; and the Governments of the slaveholding States may be assured that, although we shall not desist from those open and honest efforts which we have constantly made for procuring the abolition of slavery throughout the world, we shall neither openly nor secretly resort to any measures which

can tend to disturb their internal tranquillity, or thereby to affect the prosperity of the American Union.

You will communicate this despatch to the United States Secretary of State, and, if he should desire it, you will leave a copy of it with him. I am, &c.,

ABERDEEN.

Right Hon. RICHARD PAKENHAM, &c.

Mr. Calhoun to Mr. Pakenham.

DEPARTMENT OF STATE, WASHINGTON, *April 18th*, 1844.

The undersigned, Secretary of State of the United States, has laid before the President the note of the Right Honorable Mr. Pakenham, envoy extraordinary and minister plenipotentiary of Her Britannic Majesty, addressed to this department on the 26th of February last, together with the accompanying copy of a despatch of Her Majesty's Principal Secretary of State for Foreign Affairs to Mr. Pakenham. In reply, the undersigned is directed by the President to inform the Right Honorable Mr. Pakenham, that, while he regards with pleasure the disavowal of Lord Aberdeen of any intention on the part of Her Majesty's Government "to resort to any measures, either openly or secretly, which can tend to disturb the internal tranquillity of the slaveholding States, and thereby affect the tranquillity of this Union," he at the same time regards with deep concern the avowal, for the first time made to this Government, "that Great Britain desires and is constantly exerting herself to procure the general abolition of slavery throughout the world."

So long as Great Britain confined her policy to the abolition of slavery in her own possessions and colonies, no other country had a right to complain. It belonged to her exclusively to determine, according to her own views of policy, whether it should be done or not. But when she goes beyond, and avows it as her settled policy, and the object of her

constant exertions, to abolish it throughout the world, she makes it the duty of all other countries, whose safety or prosperity may be endangered by her policy, to adopt such measures as they may deem necessary for their protection.

It is with still deeper concern the President regards the avowal of Lord Aberdeen of the desire of Great Britain to see slavery abolished in Texas, and, as he infers, is endeavoring, through her diplomacy, to accomplish it, by making the abolition of slavery one of the conditions on which Mexico should acknowledge her independence. It has confirmed his previous impressions as to the policy of Great Britain in reference to Texas, and made it his duty to examine with much care and solicitude what would be its effects on the prosperity and safety of the United States, should she succeed in her endeavors. The investigation has resulted in the settled conviction that it would be difficult for Texas, in her actual condition, to resist what she desires, without supposing the influence and exertions of Great Britain would be extended beyond the limits assigned by Lord Aberdeen ; and this, if Texas could not resist the consummation of the object of her desire, would endanger both the safety and prosperity of the Union. Under this conviction, it is felt to be the imperious duty of the Federal Government, the common representative and protector of the States of the Union, to adopt, in self-defence, the most effectual measures to defeat it.

This is not the proper occasion to state at large the grounds of this conviction. It is sufficient to say, that the consummation of the avowed object of her wishes in reference to Texas would be followed by hostile feelings and relations between that country and the United States, which could not fail to place her under the influence and control of Great Britain. This, from the geographical position of Texas, would expose the weakest and most vulnerable portion of our frontier to inroads, and place in the power of Great Britain the most efficient means of effecting in the

neighboring States of this Union what she avows to be her desire to do in all countries where slavery exists. To hazard consequences which would be so dangerous to the prosperity and safety of this Union, without resorting to the most effective measures to prevent them, would be, on the part of the Federal Government, an abandonment of the most solemn obligation imposed by the guarantee which the States, in adopting the Constitution, entered into to protect each other against whatever might endanger their safety, whether from without or within. Acting in obedience to this obligation, on which our federal system of Government rests, the President directs me to inform you that a treaty has been concluded between the United States and Texas, for the annexation of the latter to the former as a part of its territory, which will be submitted without delay to the Senate, for its approval. This step has been taken as the most effectual, if not the only means of guarding against the threatened danger, and securing their permanent peace and welfare.

It is well known that Texas has long desired to be annexed to this Union; that her people, at the time of the adoption of her Constitution, expressed, by an almost unanimous vote, her desire to that effect: and that she has never ceased to desire it, as the most certain means of promoting her safety and prosperity. The United States have heretofore declined to meet her wishes; but the time has now arrived when they can no longer refuse, consistently with their own security and peace, and the sacred obligation imposed by their constitutional compact for mutual defence and protection. Nor are they any way responsible for the circumstances which have imposed this obligation on them. They had no agency in bringing about the state of things which has terminated in the separation of Texas from Mexico. It was the Spanish Government and Mexico herself which invited and offered high inducements to our citizens to colonize Texas. This, from the diversity of character, habits, religion, and

political opinions, necessarily led to the separation, without the interference of the United States in any manner whatever. It is true the United States, at an early period, recognized the independence of Texas; but, in doing so, it is well known they but acted in conformity with an established principle to recognize the Government *de facto*. They had previously acted on the same principle in reference to Mexico herself, and the other Governments which have risen on the former dominions of Spain on this continent.

They are equally without responsibility for that state of things, already adverted to as the immediate cause of imposing on them, in self-defence, the obligation of adopting the measure they have. They remained passive so long as the policy on the part of Great Britain, which has led to its adoption, had no immediate bearing on their peace and safety. While they conceded to Great Britain the right of adopting whatever policy she might deem best, in reference to the African race, within her own possessions, they on their part claim the same right for themselves. The policy she has adopted in reference to the portion of that race in her dominions may be humane and wise; but it does not follow, if it prove so with her, that it would be so in reference to the United States and other countries, whose situation differs from hers. But, whether it would be or not, it belongs to each to judge and determine for itself. With us it is a question to be decided, not by the Federal Government, but by each member of this Union, for itself, according to its own views of its domestic policy, and without any right on the part of the Federal Government to interfere in any manner whatever. Its rights and duties are limited to protecting, under the guarantees of the Constitution, each member of this Union, in whatever policy it may adopt in reference to the portion within its respective limits. A large number of the States has decided, that it is neither wise nor humane to change the relation which has existed, from their first set-

tlement, between the two races; while others, where the African is less numerous, have adopted the opposite policy.

It belongs not to the Government to question whether the former have decided wisely or not; and if it did, the undersigned would not regard this as the proper occasion to discuss the subject. He does not, however, deem it irrelevant to state that, if the experience of more than half a century is to decide, it would be neither humane nor wise in them to change their policy. The census and other authentic documents show that, in all instances in which the States have changed the former relation between the two races, the condition of the African, instead of being improved, has become worse. They have been invariably sunk into vice and pauperism, accompanied by the bodily and mental inflictions incident thereto—deafness, blindness, insanity, and idiocy—to a degree without example; while, in all other States which have retained the ancient relation between them, they have improved greatly in every respect —in number, comfort, intelligence, and morals—as the following facts, taken from such sources, will serve to illustrate:

The number of deaf and dumb, blind, idiots, and insane, of the negroes in the States that have changed the ancient relation between the races, is one out of every ninety-six; while in the States adhering to it, it is one out of every six hundred and seventy-two—that is, seven to one in favor of the latter, as compared with the former.

The number of whites, deaf and dumb, blind, idiots, and insane, in the States that have changed the relation, is one in every five hundred and sixty-one; being nearly six to one against the free blacks in the same States.

The number of negroes who are deaf and dumb, blind, idiots, and insane, paupers, and in prison in the States that have changed, is one out of every six; and in the States that have not, one out of every one hundred and fifty-four;

or twenty-two to one against the former, as compared with the latter.

Taking the two extremes of North and South—in the State of Maine, the number of negroes returned as deaf and dumb, blind, insane, and idiots, by the census of 1840, is one out of every twelve; and in Florida, by the same returns, is one out of every eleven hundred and five; or ninety-two to one in favor of the slaves of Florida, as compared with the free blacks of Maine.

In addition, it deserves to be remarked, that in Massachusetts, where the change in the ancient relation of the two races was first made (now more than sixty years since), where the greatest zeal has been exhibited in their behalf, and where their number is comparatively few (but little more than 8,000 in a population of upwards of 730,000), the condition of the African is amongst the most wretched. By the latest authentic accounts, there was one out of every twenty-one of the black population in jails or houses of correction; and one out of every thirteen was either deaf and dumb, blind, idiot, insane, or in prison. On the other hand, the census and other authentic sources of information establish the fact that the condition of the African race throughout all the States, where the ancient relation between the two has been retained, enjoys a degree of health and comfort which may well compare with that of the laboring population of any country in Christendom; and it may be added, that in no other condition, or in any other age or country, has the negro race ever attained so high an elevation in morals, intelligence, or civilization.

If such be the wretched condition of the race in their changed relation, where their number is comparatively few, and where so much interest is manifested for their improvement, what would it be in those States where the two races are nearly equal in numbers, and where, in consequence, would necessarily spring up mutual fear, jealousy, and ha-

tred, between them? It may, in truth, be assumed as a maxim, that two races differing so greatly and in so many respects, cannot possibly exist together in the same country, where their numbers are nearly equal, without the one being subjected to the other. Experience has proved that the existing relation, in which the one is subjected to the other, in the slaveholding States, is consistent with the peace and safety of both, with great improvement to the inferior; while the same experience proves that the relation which it is the desire and object of Great Britain to substitute in its stead in this and all other countries, under the plausible name of the abolition of slavery, would (if it did not destroy the inferior by conflicts, to which it would lead) reduce it to the extremes of vice and wretchedness. In this view of the subject it may be asserted, that what is called slavery is in reality a political institution, essential to the peace, safety, and prosperity of those States of the Union in which it exists. Without, then, controverting the wisdom and humanity of the policy of Great Britain, so far as her own possessions are concerned, it may be safely affirmed, without reference to the means by which it would be affected, that, could she succeed in accomplishing, in the United States, what she avows to be her desire and the object of her constant exertions to effect throughout the world, so far from being wise or humane, she would involve in the greatest calamity the whole country, and especially the race which it is the avowed object of her exertions to benefit.

The undersigned avails himself of this occasion to renew to the Right Honorable Mr. Pakenham the assurance of his distinguished consideration.

J. C. CALHOUN.

Right Hon. RICHARD PAKENHAM, &c.

Mr. Pakenham to Mr. Calhoun.

WASHINGTON, *April 19th*, 1844.

The undersigned, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary, has had the honor to receive the note which the Honorable Mr. Calhoun, Secretary of State of the United States, was pleased yesterday to address to him, containing observations on a despatch from Her Majesty's Principal Secretary of State for Foreign Affairs to the undersigned, of which the undersigned had the honor, at the request of the late Secretary of State, Mr. Upshur, to furnish a copy, for the more complete information of the Government of the United States.

Mr. Calhoun at the same time announces to the undersigned, by direction of the President, that a treaty has been concluded between the United States and Texas, for the annexation of Texas to this country as a part of its territory, which treaty will be submitted without delay to the Senate, for its approval.

Mr. Calhoun further takes occasion to enter into explanations as to the motives which have induced the Government of the United States to adopt their present policy with regard to Texas; and he concludes by presenting certain remarks, founded on statistical information, in defence of the institution of slavery as now established in a portion of this Republic, and in proof of the necessity of taking measures for its preservation.

It is not the purpose of the undersigned in the present communication to enter into discussion with Mr. Calhoun respecting the project thus formally announced on the part of the Government of the United States to annex Texas to the American Union; that duty will, if thought necessary, be fulfilled by higher authority. Still less is the undersigned disposed to trespass on Mr. Calhoun's attention by

offering any remarks upon the subject of slavery, as expounded in Mr. Calhoun's note. That note will be transmitted to Her Majesty's Government by the earliest opportunity; and with this intimation the undersigned would, for the present, content himself, were it not for the painful impression created on his mind by observing that the Government of the United States, so far from appreciating at their just value the explanations furnished by Her Majesty's Government in a spirit of frankness and good faith well calculated to allay whatever anxiety this Government might have previously felt on the particular points to which those explanations have reference, appear to have found arguments in that communication in favor of the contemplated annexation of Texas—thus, as it were, assigning to the British Government some share in the responsibility of a transaction which can hardly fail to be viewed in many quarters with the most serious objection.

All such responsibility the undersigned begs leave, in the name of Her Majesty's Government, at once and most positively to disclaim. Whatever may be the consequences of that transaction, the British Government will look forward without anxiety to the judgment which will thereon be passed by the civilized world, in as far as shall apply to any provocation furnished by England for the adoption of such a measure.

With the political independence of Texas not only has Great Britain disavowed all intention to interfere, but it is a well-known fact that her most jealous exertions have been directed towards the completion of that independence, by obtaining its acknowledgment at the hands of the only Power by which it was seriously disputed.

Great Britain has also formally disclaimed the desire to establish in Texas any dominant influence; and, with respect to slavery, she is not conscious of having acted in a sense to cause just alarm to the United States.

From the avowed desire of Great Britain to see slavery abolished in Texas, it is inferred by the Government of the United States that England is endeavoring, through her diplomacy, to make the abolition of slavery a condition to the acknowledgment of the independence of Texas by Mexico. If Mr. Calhoun will have the goodness to refer once more to the copy of Lord Aberdeen's despatch, which lies before him, he will find the following exposition of the intentions of Great Britain on this point, which the undersigned flattered himself would have been sufficient to forbid any such inference: "With regard to Texas, we avow that we wish to see slavery abolished there, as elsewhere; and we should rejoice if the recognition of that country by the Mexican Government should be accompanied by an engagement on the part of Texas to abolish slavery eventually, and under proper conditions throughout the Republic. But, although we earnestly desire and feel it to be our duty to promote such a consummation, we shall not interfere unduly, or with an improper assumption of authority, with either party" (either Mexico or Texas), "in order to insure the adoption of such a course. We shall counsel, but we shall not seek to compel or unduly control either party. So far as Great Britain is concerned, provided other States act wth equal forbearance, those Governments will be fully at liberty to make their own unfettered arrangements with each other, both in regard to the abolition of slavery and to all other points."

The undersigned takes advantage of this opportunity to renew to the Honorable Mr. Calhoun the assurance of his high consideration.

R. PAKENHAM.

Hon. J. C. CALHOUN, &c.

Mr. Calhoun to Mr. Pakenham.

DEPARTMENT OF STATE, WASHINGTON, *April 27th*, 1844.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the answer which the Right Honorable Mr. Pakenham, envoy extraordinary and minister plenipotentiary of Her Britannic Majesty, was pleased to make to his note of the 18th instant, relating to the despatch of Lord Aberdeen, of which a copy was left with the late Secretary of State, Mr. Upshur, by his request.

He regrets that Mr. Pakenham has fallen into an error in supposing that the undersigned intended, by introducing the statistical facts in reference to the comparative condition of the African race in the States of this Union where slavery has been abolished and where it is still retained, with the accompanying remarks, "to expound the subject of slavery," and to "defend it as it exists in the United States."

If Mr. Pakenham will have the goodness to recur to the note of the undersigned, he will find, on a reperusal, that his intention in introducing the details, instead of being that which he attributes to him, was to correct what the undersigned believed to be a misconception on the part of Her Majesty's Government, as set forth in Lord Aberdeen's despatch. His lordship seems to be of the impression that the objection of the United States was not to the policy of Great Britain in reference to abolition, as avowed by him, but to the means which might be resorted to for its accomplishment, and that, if slavery should be abolished in the United States, by the influence and exertions of Great Britain, without using what he is pleased to call "secret" or "undue means," it would be an act of humanity to the African race, and in its consequences would neither "disturb the internal tranquillity of the States" where it exists, nor "affect the prosperity of the Union." The object of the undersigned in

introducing the statistical information referred to was to correct this erroneous impression, by showing, from facts drawn from unquestionable sources, that the condition of the African race in the States which had abolished slavery was far worse than in those which had not; and that, of course, Great Britain could not consummate, in the United States, what she avows to be the object of her policy and constant exertions to effect throughout the world, without rendering the condition of the African race in the slaveholding States much worse than it is, and disturbing their "internal tranquillity and the prosperity of the Union."

That such was the intention of the undersigned he hopes will be evident to Mr. Pakenham on a reperusal of his note; and not, as he supposes, to "expound the subject of slavery," or to "defend it as it exists in the United States." He is the more solicitous to correct the error into which Mr. Pakenham has fallen in this particular, because the intention which he attributes to the undersigned would be incompatible with the principle which regulates the United States in their intercourse with the rest of the world; that is, to leave all other countries, without interference on their part, to regulate their own internal relations and concerns as to each may seem best, without permitting any to interfere with theirs. He could not, consistently with this well-established principle of their policy, permit any question belonging exclusively to the internal relations or concerns of any of the States of this Union to be brought into controversy between this and any foreign Government whatever.

The undersigned regrets that Mr. Pakenham should entertain the impression, that the Government of the United States did not appreciate at their full value the explanations of Her Majesty's Government on the subject of its policy in reference to Texas. He would repeat, what he had supposed had been explicitly stated in his note to Mr. Pakenham, the assurance that this Government fully appreciates the spirit

of frankness and good faith in which the explanations were furnished. If they have failed to allay the anxiety which it had previously felt on the subject to which they referred, it was because they were accompanied by an avowal on the part of Her Majesty's Government, in reference to the abolition of slavery generally, and to Texas in particular, calculated to defeat the object which the explanations were intended to effect. It was not possible for the President to hear, with indifference, the avowal of a policy so hostile in its character and dangerous in its tendency to the domestic institutions of so many States of this Union, and to the safety and prosperity of the whole. Nor could he abstain from declaring his regret at the avowal, consistently with that frankness and sincerity which have ever characterized the conduct of this Government in its intercourse with other countries.

The United States, in concluding the treaty of annexation with Texas, are not disposed to shun any responsibility which may fairly attach to them on account of the transaction. The measure was adopted with the mutual consent and for the mutual and permanent welfare of the two countries interested. It was made necessary in order to preserve domestic institutions placed under the guarantee of their respective Constitutions, and deemed essential to their safety and prosperity.

Whether Great Britain has the right, according to the principles of international law, to interfere with the domestic institutions of either country, be her motives or means what they may; or whether the avowal of such a policy, and the exertions she has made to consummate it in Texas, do not justify both countries in adopting the most effective measures to prevent it, are questions which the United States willingly leave to the decision of the civilized world. They confidently rest the appeal on the solid foundation, that every country is the rightful and exclusive judge as to

what should be the relations, social, civil, and political, between those who compose its population; and that no other country, under the plea of humanity or other motive, has any right whatever to interfere with its decision. On this foundation rests the peace and the harmony of the world.

The undersigned has again referred, in conformity with the request of Mr. Pakenham, to the portion of Lord Aberdeen's despatch to which he has pointed his attention, with the view of rebutting the inference of the President that Great Britain has endeavored, through her diplomacy, to effect the abolition of slavery in Texas, by making it one of the conditions on which Mexico should acknowledge her independence. He is constrained to say, on a careful reperusal, that he can discover nothing in it calculated in any degree to weaken the inference of the President. His lordship avows that Great Britain wishes to see slavery abolished in Texas; that she would rejoice if the recognition of that country by the Mexican Government should be accompanied by an engagement on the part of Texas to do so, and that she feels it to be her duty to promote such a consummation. If to these emphatic declarations the fact be added, that Great Britain, at the very time they were made, was engaged in negotiating with the Mexican Government, in order to obtain from it a recognition of the independence of Texas, and that she declined to unite with France and the United States in a joint effort for that purpose, it is surely not a forced or unfair inference, to conclude, without calling in the aid of other evidence, that she used, in conducting it, all the legitimate means of diplomacy, backed by her great influence, to effect an object in the accomplishment of which she acknowledges she took so deep an interest, and to which she obviously attached so much importance. Nor does the undersigned regard the declarations of Lord Aberdeen, that Great Britain would not interfere unduly, or with any improper assumption of authority,—that she will counsel, but

not seek to compel or unduly control either party,—as in any degree weakening the inference of the President; nor does he consider the remarks of Mr. Pakenham as a denial of its truth.

The undersigned avails himself of the occasion to renew to Mr. Pakenham the assurances of his distinguished consideration.

J. C. CALHOUN.

Mr. Pakenham to Mr. Calhoun.

WASHINGTON, *April 30th*, 1844.

The undersigned, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary, has had the honor to receive a note which the Honorable John C. Calhoun, Secretary of State of the United States, was pleased to address to the undersigned on the 27th of this month, in reply to the note of the undersigned of the 18th instant, in answer to Mr. Calhoun's note of the date preceding, relating to the despatch of the Earl of Aberdeen, of which a copy was delivered to the late Secretary of State, Mr. Upshur, at his request.

Mr. Calhoun's notes of the above-mentioned dates have been transmitted by the undersigned, for the information of Her Majesty's Government.

The undersigned avails himself of this opportunity to renew to Mr. Calhoun the assurance of his high consideration.

R. PAKENHAM.

Mr. Calhoun to Mr. Green.

DEPARTMENT OF STATE, WASHINGTON, *April 19th*, 1844.

SIR:—A treaty for the annexation of Texas to the United States has been signed by the plenipotentiaries of the two Governments, and will be sent by the President to the Senate, without delay, for its approval.

In making the fact known to the Mexican Government, the President enjoins it on you to give it, in the first place,

the strongest assurance that, in adopting this measure, our Government is actuated by no feelings of disrespect or indifference to the honor or dignity of Mexico, and that it would be a subject of great regret if it should be otherwise regarded by its Government. And, in the next place, that the step was forced on the Government of the United States, in self-defence, in consequence of the policy adopted by Great Britain in reference to the abolition of slavery in Texas. It was impossible for the United States to witness with indifference the efforts of Great Britain to abolish slavery there. They could not but see that she had the means in her power, in the actual condition of Texas, to accomplish the objects of her policy, unless prevented by the most efficient measures; and that, if accomplished, it would lead to a state of things dangerous in the extreme to the adjacent States, and the Union itself. Seeing this, this Government has been compelled, by the necessity of the case, and a regard to its constitutional obligations, to take the step it has, as the only certain and effectual means of preventing it. It has taken it in full view of all possible consequences, but not without a desire and hope that a full and fair disclosure of the causes which induced it to do so would prevent the disturbance of the harmony subsisting between the two countries, which the United States is anxious to preserve.

In order that the Mexican Government should have a just and full conception of the motives which have compelled this Government to take the course it has, I inclose, by the direction of the President, a copy of the declaration of Lord Aberdeen, which Mr. Pakenham, the British Minister, was instructed to read to the Secretary of State of the United States, and to leave a copy, should he desire it; and the answer to it on the part of our Government. The President authorizes you to read them to the Mexican Secretary of State, and to permit him to take memoranda of their contents as you read, should he desire it; but not to leave

copies, as they constitute a part of the documents which will be transmitted with the treaty to the Senate.

You are enjoined also, by the President, to assure the Mexican Government that it is his desire to settle all questions between the two countries which may grow out of this treaty, or any other cause, on the most liberal and satisfactory terms, including that of boundary. And with that view, the minister who has been recently appointed will be shortly sent with adequate powers.

You will finally assure the Government of Mexico that the Government of the United States would have been happy, if circumstances had permitted it, to act in concurrence with that of Mexico in taking the step it has; but with all its respect for Mexico, and anxious desire that the two countries should continue on friendly terms, it could not make what it believed might involve the safety of the Union itself depend on the contingency of obtaining the previous consent of Mexico. But while it could not with a due regard to the safety of the Union do that, it has taken every precaution to make the terms of the treaty as little objectionable to Mexico as possible; and, among others, has left the boundary of Texas without specification, so that what the line of boundary should be, might be an open question, to be fairly and fully discussed and settled according to the rights of each, and the mutual interests and security of the two countries.

I have the honor to be, sir, your obedient servant,

J. C. CALHOUN.

Benjamin E. Green, Esq. &c.

Mr. Calhoun to Mr. Shannon.

DEPARTMENT OF STATE, WASHINGTON, *June 20th*, 1844.

SIR:—I have the honor to acknowledge the receipt of your letter of the 17th of April last, announcing your acceptance of the appointment tendered you by the President of the United States as envoy extraordinary and minister plenipo-

tentiary to the Republic of Mexico, and notifying this department of your readiness to enter on the discharge of the duties of your office.

You have already received your commission; and I herewith enclose to you a full power, a special passport, printed personal instructions, a sealed letter accrediting you to the President of the Mexican republic, and an open copy of the same for your own use. In presenting this letter of credence to the President, you will avail yourself of the occasion to express to the President of Mexico the sincere desire of the President of the United States to maintain the most amicable relations with the Government of the Mexican republic, and his purpose to promote this end by every proper means in his power.

By a convention between the United States and the Mexican republic, signed on the 11th day of April, 1839, a joint commission was agreed upon, for the purpose of adjusting the claims of the citizens of the former on the government of the latter. This commission, agreeably to the provisions of the convention, met in the city of Washington in August, 1840; but much of the time allowed for the transaction and close of its business was consumed by the commissioners of the two governments in discussing the organization of the board, and proper forms of procedure to be adopted before it. The consequence was, that, at the expiration of the period when, by the terms of the convention, the commission should expire, many of the claims submitted for its decision remained undecided by the board; while others referred to the umpire were left in the same state, as he considered his functions terminating with those of the commission.

The convention also provided that the claims which should be allowed might be discharged by the payment of Mexican treasury-notes; but as these were much depreciated in value at the time when the commission expired, it became

a matter of importance to effect some arrangement by which specie should be substituted in their stead. To this end, your predecessor was empowered and instructed to enter into a negotiation with the Government of Mexico; and a convention was concluded on the 30th day of January, 1843, providing for the payment of the awards, and the interest accruing thereon, in specie, in five years from the 30th day of April, 1843, in equal instalments every three months. These instalments have been paid punctually, with the exception of that which fell due in the month of February last—a part only of which was paid on the day; and though the balance has since been discharged, it is important to the interests involved that the strictest punctuality should be observed. The last instalment, due on the 30th day of April, 1844, had not been paid at the date of our last advices from Mr. Green, the Chargé d'Affaires *ad interim* of the United States, though repeated applications had been made by him to the Minister of Foreign Relations. This neglect of solemn and express stipulations cannot be otherwise regarded than as violations of national faith, injurious alike to the honor of Mexico and the interests of the United States. It will, therefore, be your duty to remonstrate, in the strongest terms, against this apparent indifference to the obligations of contracts, and to urge upon the Government of Mexico the necessity of complying with the stipulations of the convention, agreeably to its terms.

You will find on the files of the legation a correspondence between your predecessor (Mr. Thompson) and the Mexican Minister for Foreign Relations, in regard to an order addressed by the Mexican Secretary of War, dated the 14th of July, 1843, to the governors of the States of California, Soñora, Sinaloa, and Chihuahua, directing the expulsion of the citizens of the United States from their territories respectively. The result of this correspondence seems to have been none other than an enlargement of the terms of the

order, so as to embrace foreigners generally, or such of them as might be deemed vagrants, or dangerous to the public peace.

It is not designed to enter into a grave argument to expose the character of such an order, or to show its opposition to the treaty of the 5th of April, 1831. The correspondence referred to will put you in possession of the points in issue, and of the views of the Government in regard to them.

As a large number of our citizens, for the purpose of trade, have settled themselves in the States referred to, whose property and liberty may be endangered in its enforcement, it will be necessary that you give to the subject your earliest attention. You will perceive, by reference to the correspondence on the files of the legation, that the governors of the States to whom the order is addressed are empowered arbitrarily to fix the time when those deemed obnoxious shall leave the country, while no opportunity seems to be vouchsafed to the suspected to vindicate their characters. In the execution of such an order, it is more than probable that much individual wrong and suffering may be inflicted; and while you will protest in strong terms against the order itself, as a flagrant violation of the treaty of 1831, you will, at the same time, exert your utmost vigilance to protect the persons and property of those who may be made unjustly the subjects of its operations; enjoining on our citizens, on the one hand, a proper obedience to the laws of Mexico, as a condition of your interference in their behalf; and, on the other, giving the Mexican Government to understand that the United States cannot allow their citizens, induced to take up their residence in its territories under the solemn sanction of a treaty, to be driven from their abodes, or otherwise injured in their persons or property, on frivolous pretexts.

Another question of very grave importance, and which is still pending between the two governments, grows out of the

Mexican decree of the 23d of September, 1843, prohibiting foreigners resident in Mexico from engaging in the retail trade. Your predecessor (Mr. Thompson) was instructed to protest against the application of this decree to the citizens of the United States, as a direct and palpable infringement of the 3d article of the treaty of 1831, and incompatible with other stipulations contained in it. The Mexican Minister for Foreign Affairs attempts to sustain the decree on the general ground, that by the treaty, the citizens of each country resident in the other are subject to their respective laws and usages. This, as a general truth, may be admitted; but surely it cannot be pretended that rights guaranteed by treaty between two independent powers may be abridged or modified by the municipal regulations of one of the parties, without and against the consent of the other. Such a position is so utterly untenable, that it would be needless to dwell on it.

This subject will demand your prompt attention; for it is of the highest importance to prevent the injustice, injury, and distress which must necessarily attend the execution of the decree, rather than to resort to protracted negotiations in order to repair them.

You will, therefore, inform the Government of Mexico, in firm, but conciliatory language, that, while the United States concede to Mexico the right to enact laws not inconsistent with her treaty stipulations, they cannot tamely submit to the execution of this decree; and that it is confidently expected it will be countermanded, so far as their citizens are concerned.

Another decree, dated in August last, was also issued by the Mexican Government, which appears to conflict, very clearly, with the stipulations of the treaty of 1831. By the 4th article of this decree, merchandise lawfully imported into the territories of Mexico is subjected to forfeiture, after a limited time, unless it be sold or reshipped in one year.

This is so obviously in contravention of the 26th article of the treaty existing between the two countries, and so hostile in its spirit to those relations of friendship which it was intended to secure, that, in the last interview between your predecessor (Mr. Thompson) and the President of Mexico, a promise was made by that functionary so to modify the said decree as to divest it of its obnoxious provisions in respect to the citizens of the United States.

You will avail yourself of the first occasion, after your arrival, to bring the subject to the notice of the Mexican Government, and to urge the immediate fulfilment of the promise made to your predecessor.

You will embrace some convenient opportunity, after you have complied with the foregoing instructions, to address a note to the Mexican Government, in which you will say that you are instructed to inform it, that the President perceives with regret it has entirely misconceived the object of the communication which the Secretary of the Legation of the United States, in conformity with his instructions, made to it in reference to the treaty recently entered into with Texas. Its object, as it plainly imports to be, was to announce to the Government of Mexico that the treaty had been signed, and submitted to the Senate for its approval; that the measure had been adopted with no unfriendly or hostile feelings to Mexico; and that the Government of the United States was ready to adjust, on liberal terms, the question of boundary, and any other that might grow out of the treaty. It constituted no part of its object to invite a discussion as to its right to make the treaty. To suppose this, would be to assume that it had made it without duly examining and establishing, to its entire satisfaction, its right to do so; a supposition which would neither comport with the fact, nor with what is due to its honor and dignity. Such being the case, it cannot, consistently with either, permit itself to be drawn into a controversy with the Government of Mexico as

to its right to make the treaty; and you will inform it accordingly, that you have been instructed to pass unnoticed the inconclusive arguments by which it has attempted to controvert our right to enter into it. We hold Texas to be independent *de jure* as well as *de facto;* and as competent, in every respect, to enter into a treaty of cession, or any other, as Mexico herself, or any other independent power; and that, in entering into the treaty of annexation with her, we violated no prior engagement or stipulation with Mexico. We would, indeed, have been glad, in doing so, to have acted with the concurrence of Mexico, if circumstances had permitted—not because we believed that she had any rightful claim of sovereignty over Texas, or that the latter was not competent, of itself, to transfer the full and complete right and title to its territory; but because, in our desire to preserve the most friendly relations with Mexico, we were disposed to treat her with respect, however unfounded we believed her claim to Texas to be. It was in conformity with that desire that the instructions were given to make the communication to the Government of Mexico, announcing the signature of the treaty, and our readiness to adjust all questions which might grow out of it, between the two countries, on the most liberal terms.

You will also state that you are instructed to pass over unnoticed the menaces and offensive language which the Government of Mexico has thought proper to use. It makes a great mistake in supposing that the United States can be deterred, by menaces, from adopting a measure which, after mature deliberation, they have determined they have a right to do, and which they believe to be essential to their safety and prosperity. They are desirous of peace with Mexico and all other nations; but they always stand prepared to defend themselves, if need be, against any attack to which they may be subjected in pursuing a line of policy deemed by themselves just and expedient. Nor can they be pro-

voked to retort the offensive language used. The Government of the United States is too mindful of what is due to its own self-respect and dignity, to be driven, by any provocation, however unwarranted or great, from that decorum of language which ought ever to be observed in the official correspondence of independent States. In their estimation, a good cause needs no such support, and a bad one cannot be strengthened by it.

From the failure of the Senate to approve the treaty of annexation with Texas, it is not deemed advisable to instruct you to make any overture or propositions to the Government of Mexico in relation to that subject; but should any disposition be manifested on its part to open negotiations, or any propositions be made in reference to it, you will receive and immediately transmit them to this department.

I am, sir, your obedient servant,

J. C. CALHOUN

To WILSON SHANNON, Esq., &c.

Mr. Howard to Mr. Calhoun.

[*Extract.*]

[CONFIDENTIAL.] LEGATION OF THE UNITED STATES,
WASHINGTON (TEXAS), *August 7th*, 1844.

SIR:—I have the honor to transmit, herewith, the copy of a letter received by me, on yesterday, from the Hon. Anson Jones, Secretary of State, &c., dated the 6th instant; also copies of several documents referred to in his communication by the letters A and B; besides a copy of a letter to him from the Secretary of War of this republic; accompanying which, will also be found a copy of my reply to the letter of Mr. Jones.

* * * * * * * * * *

Mr. Jones to Mr. Howard.

DEPARTMENT OF STATE,
WASHINGTON (TEXAS), *August 6th*, 1844.

The undersigned, Secretary of State of the Republic of Texas, has the honor to transmit, herewith, to General Howard, Chargé d'Affaires of the United States near this Government, the copy of a communication from the Honorable G. W. Hill, of this date, with accompanying documents A and B, containing the information that Mexico is about to recommence active hostilities against this country.

The undersigned is aware that General Howard has already been informed of the efforts making by General Santa Anna to raise funds in Mexico, and an army of thirty thousand men, for the subjugation of Texas; and that troops in considerable numbers have already been moved towards our south-western frontier, under the command of General Canalizo, of the Mexican army, an officer appointed to carry this object into effect.

The information now in possession of this Government leads the undersigned to the conclusion that Mexico intends either to renew a system of predatory warfare against Texas, or else to make a formidable attempt for its conquest; and that, whichever alternative she may have concluded to adopt, she has been induced to her course by the negotiations pending between Texas and the United States on the subject of annexation.

In view of these facts, and adverting to the assurances given to this Government by General Murphy, Chargé d'Affaires of the United States, on the 14th of February, and by Mr. Calhoun, Secretary of State, on the 11th of April last, the undersigned, by direction of his excellency the President, has the honor to request that General Howard will, as early as convenient, take the necessary steps to cause to be car-

ried into effect these assurances, and to extend to Texas the aid which the present emergency requires.

The undersigned embraces with great pleasure this occasion to present to General Howard the assurances of his distinguished consideration and regard.

ANSON JONES.

The Hon. TILGHMAN A. HOWARD,
Chargé d'Affaires of the United States, &c.

DEPARTMENT OF WAR AND MARINE,
WASHINGTON (TEXAS), *August 6th*, 1844.

SIR:—I am directed by his excellency the President to ask the attention of your department to the facts recently made known to this Government, and contained in communications recently received from General Adrian Woll, of the army of Mexico, and Colonel John C. Hays, commanding on the south-western frontier of Texas; a copy of the former, and an extract of the latter of which, are herewith transmitted.

The facts contained in these communications, taken in connection with other intelligence which has been received, leave no doubt of the objects and intentions of the Mexican Government; and that a considerable military force is now being concentrated on the Rio Grande, with the avowed object of immediately following the attack of the cavalry alluded to by Colonel Hays, by that of a more formidable force. No doubt can therefore longer exist of the propriety and necessity of placing immediately on our south-western frontier, for the defence of the nation, all the troops at the disposal of the Government, whether of our own citizens, or by existing arrangements between this Government and that of the United States.

I have the honor to be your very obedient servant,

G. W. HILL,
Secretary of War and Marine.

Hon. ANSON JONES, Secretary of State, &c.

A.

[*Extract.*]

HEADQUARTERS, SOUTH-WESTERN COMMAND,
BEXAR, *July 21st*, 1844.

SIR:

o o o o o o o o o o

The following is the information alluded to;—About ten days ago, a secret spy in my employ arrived in town, and informed me that preparations were in progress to mount on good horses a force of six hundred men, to be divided into three divisions—one of which was to proceed with rapid marches to this place, and enter the town, if practicable; if repulsed, to retreat. Immediately on their return, another division would advance, with the same instructions; and so on, giving time to each division to refresh, and keep up a constant annoyance on this portion of the frontier. Two days ago he returned, confirming his previous statement; and, in addition, a communication from a gentleman whose statement cannot be doubted, confirming the report of the spy, and stating that they had already 400 fine horses purchased to mount the troops, and that their operations would commence during the month of August. This statement cannot be doubted.

o o o o o o o o o o

I have the honor to be, very respectfully, &c.

JOHN C. HAYS,
Commanding south-western frontier.

To the Hon. G. W. HILL,
Secretary of War and Marine.

DEPARTMENT OF WAR AND MARINE,
WASHINGTON (TEXAS), *August 6th*, 1844.

I certify the within [foregoing] to be a true extract from the original on file in this office.

M. C. HAMILTON,
C. C. Dept. War.

B.

[*Translation.*]

HEADQUARTERS, MIER, *June 19th*, 1844.

1st Brigade of the North.—Commander-in-Chief.

The time prefixed by the supreme government of the republic for the duration of the armistice celebrated with the commissioners of Texas, on the 15th of February of the present year, having expired, his excellency the President has been pleased to determine that hostilities are renewed, and declared to exist from the 11th day of the present month, against the inhabitants of that department. While I apprise you of this resolution of his excellency, I will also represent to you the fact that my Government is highly indignant at the perfidious conduct of these said inhabitants towards the republic, which, ever generous to them, believed they were acting in good faith, until the contrary became manifest by their disregard of the promises made in the same treaty of armistice, as relates to the commissioners, according to article 4, who were to have proceeded to the capital of Mexico, in order to arrange the terms whereby their propositions might be admitted.

His excellency the President, convinced that the honor of the nation demands that such dishonorable conduct should be punished, and that it should be understood that his motives for the delay in declining the renewal of hostilities has not proceeded from the want of the ability or of resources, but purely from motives of humanity, desires me to make this intimation.

In the performance of this duty, although the reflection that human blood must be shed is painful, yet I have the satisfaction to know that our cause is just, and that it is sustained by sacred and imprescriptible rights, in which we have no less confidence than in the valor of our troops; and

the struggle once renewed, the civilized world will become the judge of our rights, while victory will crown the efforts of those who fearlessly wage the battle for their country, opposed to usurpation.

I have the honor to reiterate to you the assurance of my high consideration and esteem.

God and liberty.

ADRIAN WOLL.

To Gen. SAM. HOUSTON.

Mr. Howard to Mr. Jones.

LEGATION OF THE UNITED STATES,

WASHINGTON (TEXAS), *August 6th*, 1844.

The undersigned, Chargé d'Affaires of the United States near the Government of the republic of Texas, has the honor to acknowledge the receipt of the communication of the Hon. Anson Jones, Secretary of State of this republic, of this date, together with its accompanying documents.

The undersigned is aware of the incipient steps which have been taken by the chief of the Mexican Government, with the alleged purpose of invading and subjugating Texas; but how far the preparations have gone, he is not informed. He has no reason, however, to doubt the information communicated by the honorable Secretary; on the contrary, he has received similar information from other quarters. How far the relations of Texas and the United States may have excited the Mexican Government to additional efforts to reconquer Texas, and hastened the renewal of hostilities, the undersigned has no means of judging. Whatever may be the cause, it cannot but be the subject of universal regret throughout Christendom, that a war, of the character which has marked the relations of Texas and Mexico since the revolution of 1836, should not be brought to a close.

If, however, the recommencement of this conflict has been

owing to negotiations between the Governments of the United States and Texas, and if the United States have given "assurances" to "extend to Texas the aid which the present emergency requires,"—by which the undersigned supposes is meant military aid, in repelling the anticipated invasion by Mexico,—the obligations thus incurred ought to be, and he doubts not will be, observed by his Government.

The undersigned has taken occasion to re-examine the letters of the late General Murphy, of the 14th of February last, and of Mr. Calhoun, Secretary of State of the United States, of the 11th of April ensuing; he has also turned his attention to the letter of the Hon. John Nelson, Secretary of State *ad interim*, to General Murphy, of the 11th of March, 1844, and of the Hon. Isaac Van Zandt, of the 17th of January of the same year. The letter of the Hon. Mr. Nelson, it will be seen, limits very much the assurances given by the Hon. Mr. Murphy, and discloses in explicit language the constitutional limitations under which the Executive of the United States must act in regard to the military power of the country.

The question, then, is mainly left to rest upon the letter of the Hon. Mr. Van Zandt of the 17th of January, and the answer of Mr. Calhoun of the 11th of April, 1844. Mr. Van Zandt submits the following inquiry to the Secretary of State (Mr. Upshur): "Should the President of Texas accede to the proposition of annexation, would the President of the United States, after the signing of the treaty, and before it shall be ratified and receive the sanction of the other branches of both governments, in case Texas should desire it, or with her consent, order such number of military and naval forces of the United States to such necessary points or places upon the territory or borders of Texas, or the Gulf of Mexico, as shall be sufficient to protect her against foreign aggression? Mr. Calhoun, after referring to the orders given to the naval and military forces, gives

the assurance that, should the exigency arise *during the pendency of the treaty of annexation*, the President would deem it his duty to use all the means placed within his power by the Constitution, to protect Texas from invasion.

The undersigned assures the Honorable Secretary of State of the disposition of his Government to fulfil all her obligations to Texas, and of the deep interest felt both by the Government and people of the United States in whatever concerns her welfare ; to which he will add his own anxious wish to preserve the most perfect faith towards both the Government and people of Texas. But he is not able to perceive that an assurance given that the military power should be used, so far as it constitutionally might, to repel invasion *during the pendency of the treaty* (to which alone both Mr. Calhoun and Mr. Van Zandt seem to have had reference), would raise an obligation on the President of the United States to interpose, by affording military aid to Texas on the present emergency.

In communicating this opinion to the Honorable Secretary of State, the undersigned is happy to know that he addresses one who is familiar with the fundamental laws and government of the Unted States, which prescribe certain rules of action for every public functionary.

Nevertheless, as the subject is one of great moment, and is entitled to the consideration of the Government of the United States, and as the facts communicated are important, he will transmit as speedily as practicable this correspondence, with the accompanying documents, to his Government, and await her instructions.

The undersigned, with the most unfeigned pleasure, takes this occasion to present to the Hon. Mr. Jones the assurance of his distinguished consideration and esteem.

T. A. HOWARD.

Hon. ANSON JONES, .
Secretary of State of the Republic of Texas.

Mr. Calhoun to Mr. Shannon.

DEPARTMENT OF STATE, WASHINGTON, *Sept.* 10*th*, 1844.

SIR :—There can be no longer any doubt that Mexico intends to renew the war against Texas on a large scale, and to carry it on with more than savage ferocity. The loan she has authorized, and the expensive preparations she is making by land and sea, are sufficient proofs of the former ; and the orders of the commander of the army of the north (General Woll), issued the 20th day of June last, and the decree of Santa Anna, general of division and provisional President of Mexico, on the 17th day of June, 1843, of the latter. The decree makes the general-in-chief of divisions of the army, and the commandant-general of the coast and frontier, responsible for its exact fulfilment. It was under that responsibility, it would seem, that General Woll, to whom the Texan frontier was assigned, issued his order of the 20th June. After announcing that the war was renewed against Texas ; that all communications with it must cease ; and that every individual, of whatever condition, who may have communication with it, shall be regarded as a traitor, and as such be punished according to the articles of war ; the order announces, in its 3d article, that "every individual who may be found at the distance of one league from the left bank of the Rio Bravo, will be regarded as a favorer and accomplice of the usurpers of that part of the national territory, and as a traitor to his country," and, after a summary military trial, "shall be punished accordingly." And in its 4th article, it also states "that every individual who may be embraced within the provisions of the preceding article, and may be rash enough to fly at the sight of any force belonging to the supreme government, shall be pursued until taken or put to death."

In what spirit the decree of the 17th of June, which the

order is intended exactly to fulfil, is to be executed, the fate of the party under General Sentmanat, at Tabasco, affords an illustration. They were arrested under it, and executed, without hearing or trial, against the indignant remonstrances of the French and Spanish ministers near the Government of Mexico, who in vain invoked the voice of humanity, the sacred obligations of the Constitution, and the sanctity of treaties, in behalf of their countrymen who were executed under this illegal and bloody decree.

If the decree itself was thus enforced, in time of peace, on the subjects of friendly powers, and against the remonstrances of their ministers, some faint conception may be formed of the ferocious and devastating spirit in which the order of General Woll is intended to be executed against the inhabitants of Texas, and all who may in any way aid their cause, or even have communication with them. It was under a decree similar to that of the 17th of June, 1843, and issued by the same authority on the 30th of October, 1835, but which was not so comprehensive in its provisions, or so bloody and ferocious in its character, that the cold-blooded butchery of Fannin and his party, and other Texan prisoners, was ordered by Santa Anna in his invasion of 1836.

That decree was limited to foreigners who should land at any port of Mexico, or arrive by land, being armed and having hostile intentions, or who should introduce arms and munitions of war, to be used at any place in rebellion, or placed in the hands of its enemies. As savage and outrageous as its provisions were, the order of General Woll, intended to carry out that of June, 1843, goes far beyond. It embraces every individual who may be found east of a line drawn three miles east of the Rio del Norte, without distinction of age or sex, foreigner or citizen, condition or vocation; all of every description, whether they resist or surrender, are to be treated as traitors, and all who flee are to be shot down. The war is intended, in short, to be one of utter extirpation.

All that breathe are to be destroyed or driven out, and Texas left a desolate waste; and so proclaimed to the world by Mexico, in advance of her projected invasion.

The first question which presents itself for consideration on this statement of facts, is,—Shall we stand by, and witness in silence the renewal of the war by Mexico, and its prosecution in this bloodthirsty and desolating spirit? In order to answer it fully and satisfactorily, it will be necessary to inquire first into her object for renewing the war at this time.

There can be but one—and that is, to defeat the annexation of Texas to our Union. She knows full well that the rejection of the treaty has but postponed the question of annexation. She knows that Congress adjourned without finally disposing of it; that it is now pending before both Houses, and actively canvassed before the people throughout the wide extent of our Union; and that it will in all probability be decided in its favor, unless it should be defeated by some movement exterior to the country. We would be blind not to see that she proposes to effect it by the projected invasion, either by conquering and subjecting Texas to her power, or by forcing her to withdraw the proposition for annexation, and to form commercial and political connections with some other power less congenial to her feelings and favorable to her independence, and more threatening to her and our permanent welfare and safety. Of the two, the latter is much the more probable. She once attempted conquest, but signally failed,—although the attempt was made under the lead of her most skilful and renowned general,—at the head of a well-appointed army, consisting of her best disciplined and bravest troops, and while Texas was yet in her infancy, without a government, almost without means, and with an inconsiderable population. With this example before her, she can scarcely hope to succeed now, under a leader of less skill and renown, and when Texas has settled

down under a well-established government, and has so greatly increased in means and population. It is possible she may be overrun; but to expect to hold her in subjection, with her present population and means, at the distance of more than twelve hundred miles from the city of Mexico, with a difficult intermediate country, destitute in a great degree of resources, would be extreme folly. The very attempt would exhaust her means, and leave her prostrated. No! the alternative is to drive out the inhabitants and desolate the country, or force her into some foreign and unnatural alliance; and this, the ferocious and savage order of General Woll shows is well understood by Mexico, and is, in reality, the object of her policy.

Shall we stand by, and permit it to be consummated, and thereby defeat a measure long cherished, and indispensable alike to the safety and welfare of the United States and Texas? No measure of policy has been more steadily or longer pursued, and that by both of the great parties into which the Union is divided. Many believed that Texas was embraced in the cession of Louisiana, and was improperly, if not unconstitutionally, surrendered by the treaty of Florida in 1819. Under that impression, and the general conviction of its importance to the safety and welfare of the Union, its annexation has been an object of constant pursuit ever since. It was twice attempted during the administration of Mr. Adams—once in 1825, shortly after he came into power, and again in 1827. It was thrice attempted under the administration of his successor (General Jackson)—first in 1829, immediately after he came into power; again in 1833; and finally in 1835, just before Texas declared her independence. Texas herself made a proposition for annexation in 1837, at the commencement of Mr. Van Buren's administration, which he declined—not, however, on the ground of opposition to the policy of the measure. The United States had previously acknowledged

her independence, and the example has since been followed by France and Great Britain. The latter, soon after her recognition, began to adopt a line of policy in reference to Texas, which has given greatly increased importance to the measure of annexation, by making it still more essential to the safety and welfare both of herself and the United States.

In pursuance of this long-cherished and established policy, and under the conviction of the necessity of acting promptly in order to prevent the defeat of the measure, the present administration invited Texas to renew the proposition for annexation, which had been declined by its predecessor. It was accepted; and, as has been stated, is now pending. The question recurs,—Shall we stand by quietly, and permit Mexico to defeat it, without making an effort to oppose her? Shall we, after this long and continued effort to annex Texas, now, when the measure is about to be consummated, allow Mexico to put it aside, perhaps for ever? Shall the "golden opportunity" be lost, never again to return? Shall we permit Texas, for having accepted an invitation, tendered her at a critical moment, to join us, and consummate a measure essential to their and our permanent peace, welfare, and safety, to be desolated, her inhabitants to be butchered, or driven out; or, in order to avert so great a calamity, to be forced, against her will, into a strange alliance which would terminate in producing lasting hostilities between her and us, to the permanent injury, and perhaps the ruin, of both?

The President has fully and deliberately examined the subject, and has come to the conclusion that honor and humanity, as well as the welfare and safety of both countries, forbid it; and that it is his duty, during the recess of Congress, to use all his constitutional means in opposition to it; leaving that body, when it assembles, to decide on the course which, in its opinion, it would be proper for the

Government to adopt. In accordance with this conclusion, the President would be compelled to regard the invasion of Texas by Mexico, while the question of annexation is pending, as highly offensive to the United States. He entertains no doubt that we had the right to invite her to renew the proposition for annexation; and she, as an independent State, had a right to accept it, without consulting Mexico or asking her leave. He regards Texas in every respect, as independent as Mexico, and as competent to transfer the whole or part of Texas, as she would be the whole or part of Mexico. To go no further back: under the Constitution of 1824, Texas and Coahuila were members of the federation formed by the United States of Mexico; Texas with Coahuila forming one State, with the right guaranteed to Texas, by the Constitution, to form a separate State as soon as her population would permit. The several States remained equal in rights, and equally independent of each other, until 1835, when the Constitution was subverted by the military, and all the States which dared to resist were subjugated by force, except Texas. She stood up manfully and bravely in defence of her rights and independence, which she gloriously and successfully asserted on the battle-ground of San Jacinto in 1836, and has ever since maintained. The Constitution of 1824 made her independent, and her valor and her sword have maintained her so. She has been acknowledged to be so by three of the leading powers of Christendom, and regarded by all as such, except Mexico herself. Nor has she ever stood, in relation to Mexico, as a rebellious department or province, struggling to obtain independence after throwing off her yoke; much less as that of a band of lawless intruders and usurpers, without government or political existence, as Mexico would have the world to believe. The true relation between them is that of independent members of a Federal Government, but now subverted by force; the

weaker of which has successfully resisted, under fearful odds, the attempts of the stronger to conquer and subject her to its power. It is in that light we regard her; and in that we had the right to invite her to renew the proposition for annexation, and to treat with her for admission into the Union, without giving any just offence to Mexico, or violating any obligation by treaty, or otherwise, between us and her. Nor will our honor, any more than our welfare and safety, permit her to attack Texas while the question of annexation is pending. If Mexico has thought proper to take offence, it is we, who invited a renewal of the proposition, and not she, who accepted it, who ought to be held responsible; and we, as the responsible party, cannot, without implicating our honor, permit another to suffer in our place. Entertaining these views, Mexico would make a great mistake if she should suppose that the President would regard with indifference the renewal of the war which she has proclaimed against Texas. Our honor and our interests are both involved.

But another, and a still more elevated consideration, would forbid him to look on with indifference. As strong as are the objections to the renewal of the war, those to the manner in which it is to be conducted are still more so. If honor and interest forbid a tame acquiescence in the renewal of the war, the voice of humanity cries aloud against the manner of conducting it. All the world have an interest that the rules and usages of war, as established between civilized nations in modern times, should be respected, and are in duty bound to resist their violation, and to see them preserved. In this case, that duty is pre-eminently ours. We are neighbors; the nearest to the scenes of the proposed atrocities; most competent to judge, from our proximity; and, for the same reason, enabled more readily to interpose For the same reason, also, our sympathy would be more deeply wounded by viewing the mingled scenes of misery

which would present themselves on all sides, and hearing the groans of the suffering; not to mention the dangers to which we would be exposed, in consequence, on a weak and distant frontier, with numerous and powerful bands of Indians in its vicinity.

If any thing can add to the atrocity with which it is proclaimed the war will be waged, it is the bold fiction, regardless of the semblance of truth, to which the Government of Mexico has resorted, in order to give color to the decree of June, 1843, and the orders of General Woll. Finding nothing in the conduct of the Government or people of Texas to justify their bloody and ferocious character, it has assumed, in wording them, that there is no such government or community as Texas; that the individuals to be found there are lawless intruders and usurpers, without political existence, who may rightfully be treated as a gang of pirates, outcasts from society, and, as such, not entitled to the protection of the laws of nations or humanity. In this assumption it obstinately persists, in spite of the well-known and (excepting the Government of Mexico) the universally admitted fact, that the colonists of Texas, instead of being intruders and usurpers, were invited to settle there,—first, under a grant by the Spanish authority to Moses Austin, which was afterwards confirmed by the Mexican authority; and, subsequently, by similar grants from the State of Texas-Coahuila, which it was authorized to issue by the Constitution of 1824. They came there as invited guests;—not invited for their own interests, but for those of Spain and Mexico; to protect a weak and helpless province from the ravages of wandering tribes of Indians; to improve, cultivate, and render productive, wild and almost uninhabited wastes; and to make that valuable, which was before worthless. All this they effected at great costs, and with much danger and difficulty, which nothing but American energy and perseverance could overcome; not only unaided by

Mexico, but in despite of the impediments caused by her interference.

Instead of a lawless gang of adventurers, as they are assumed to be by the Government of Mexico, these invited colonists became, in a few years, a constituent portion of the members of the Mexican union, and proved themselves to be the descendants of a free and hardy race, by the bravery and energy with which they met the subverters of the Constitution of 1824, and successfully preserved their independence. This done, they gave a still higher proof of their descent, by establishing wise and free institutions, and yielding ready obedience to laws of their own enacting. Under the influence of these causes, they have enjoyed peace and security; while their industry and energy, protected by equal laws, have widely extended the limits of cultivation and improvements over their beautiful country. It is such a people, living under a free and well-established government, and on whose soil "no hostile foot has found rest" for the last eight years—who have been recognized and introduced as one of its members into the family of nations—that Mexico has undertaken to treat as a lawless banditti, and against whom, as such, she has proclaimed a war of extermination, forgetful of their exalted and generous humanity, when, during the former invasion, they spared the forfeited lives of him who ordered, and those who butchered, in cold blood, the heroic Fannin and his brave associates, regardless of plighted faith. The Government of Mexico may delude itself by its bold fictions; but it cannot delude the rest of the world. It will be judged and held responsible, not by what it may choose to regard as facts, and to act upon as such, but what are in reality facts, known and acknowledged by all, save herself.

Such are the views which the President entertains in reference to the renewal of the war, after so long a suspension, and under existing circumstances, and the barbarous and

bloody manner in which it is proclaimed it will be conducted. He instructs you, accordingly, to address, without delay, to the proper department of the Mexican Government, a communication, in which you will state the views entertained by him in reference to the renewal of the war while the question of annexation is pending, and the manner in which it is intended to be conducted; and to protest against both, in strong language, accompanied by declarations that the President cannot regard them with indifference, but as highly offensive to the United States. You are also instructed to renew the declaration made to the Mexican Secretary by our Chargé d'Affaires, in announcing the conclusion of the treaty,—that the measure was adopted in no spirit of hostility to Mexico; and that, if annexation should be consummated, the United States will be prepared to adjust all questions growing out of it, including that of boundary, on the most liberal terms.

I am, sir, respectfully, your obedient servant,

J. C. CALHOUN.

WILSON SHANNON, Esq., &c.

Orders of General Woll.

[Referred to in the instructions of Mr. Calhoun to Mr. Shannon of the 10th of September, 1844.]

HEADQUARTERS OF THE ARMY OF THE NORTH,

MIER, *June 20th*, 1844.

I, Adrian Woll, general of brigade, &c., make known:—

1. The armistice agreed on with the Department of Texas having expired, and the war being, in consequence, recommenced against the inhabitants of that department, all communication with it ceases.

2. Every individual, of whatever condition, who may contravene provisions of the preceding article, shall be regarded as a traitor, and shall receive the punishment prescribed in article 45, title 10, treatise 8, of the articles of war.

3. Every individual who may be found at the distance of one league from the left bank of the Rio Bravo, will be regarded as a favorer and accomplice of the usurpers of that part of the national territory, and as a traitor to his country; and, after a summary military trial, shall receive the said punishment.

4. Every individual who may be comprehended within the provisions of the preceding article, and may be rash enough to fly at the sight of any force belonging to the supreme government, shall be pursued until taken or put to death.

5. In consideration of the situation of the towns of Lareda and Santa Rita de Ampudia, as well as of all the farm-houses beyond the Rio Bravo, in which remain all the interests of the inhabitants of the line committed to my charge, I have this day received from the supreme government orders to determine the manner by which those interests are to be protected; but, until the determination of the supreme government be received, I warn all those who are beyond the limits here prescribed, to bring them within the line, or to abandon them; as those who disobey this order will infallibly suffer the punishment here established.

ADRIAN WOLL.

Translation of a Decree of the Mexican Government.

[Referred to in the instructions of Mr. Calhoun to Mr. Shannon, of 10th September, 1844.]

DEPARTMENT OF WAR AND MARINE,

NATIONAL PALACE, MEXICO, *June 17th*, 1843.

I, Antonio Lopez de Santa Anna, *benemerito* of the country, general of division, and provisional President of the Mexican republic, hereby make known to the people, that—

Considering the criminal and detestable abuse which has been, and is now, committed by many foreigners, belonging, for the most part, to nations in peace and friendship with Mexico, in usurping its territory, invading it with arms, in fighting the troops of the republic, in robbing property, and committing other acts of violence worthy of hordes of ban-

ditti and pirates out of the pale of the laws of nations; and that the time has at length come to put an end to these evils and villanies, by exercising the rights and employing the forces used by nations in such cases, inasmuch as the same persons, whom the Government has pardoned through its generosity and clemency, have returned to try their fortune by committing new aggressions for the advancement of their nefarious ends:—I have resolved, for the good of the nation, in order to preserve it from the attacks of such adventurers, and to prove the firmness with which I uphold the rights of the republic, to cause the following articles to be observed, which I have decreed in virtue of the 7th article of the Bases of Tacubaya, sanctioned by the nation:

ARTICLE 1. In future, no quarter shall be granted to any foreigner who invades the territory of the republic on his own account, whether he be accompanied in his enterprise by a few or by many adventurers; and even if he do so ostensibly with the pretext of protecting civil discords, in which a political object is set forth; and all such persons, taken with arms in their hands, shall be immediately put to death. This punishment shall be inflicted on all foreigners, from whatsoever country; because, as Mexico is at peace with all nations, every one who makes war on her does it purely on his own individual responsibility, and places himself out of the protection of existing treaties.

ART. 2. The generals-in-chief of the divisions of the army, the commandants-general of the coast and frontier departments, and any other military authority whatsoever, who may take a foreigner in the act of invading our territory, or promoting civil war with arms in hand, shall be responsible for the most exact fulfilment of this decree; and the penalty for noncompliance with it shall be loss of employment on the part of the person responsible.

ANTONIO LOPEZ DE SANTA ANNA.

JOSE MARIA TORNEL, Secretary of War and Marine.

Mr. Calhoun to Mr. Donelson.

DEPARTMENT OF STATE, WASHINGTON, *Sept.* 17*th*, 1844.

SIR:—Annexed hereto is a copy of a despatch recently forwarded to the late Chargé d'Affaires of the United States to Texas, which, should you accept the appointment conferred on you by the President, will be regarded as if directed to yourself. The package containing the original, and other papers, was delivered to Lieut. George Stevens, who, as a special messenger, was instructed to deliver it into the hands of the Chargé, Gen. Howard. It is not improbable that, owing to the untimely death of Gen. Howard, and the absence of any representative of the United States at the seat of the Government of Texas, Lieut. Stevens may return it to this department. To obviate the inconvenience which might arise from such a state of things, I forward herewith a copy of the despatch and accompanying papers.

Since the date of the despatch to Mr. Howard, information has been received at this department, through Major Butler, agent for the Cherokee Indians, that Mexican emissaries, or agents of the Mexican Government, are employed in instigating the Indian tribes on our south-western frontier to acts of hostility against our citizens, and those of Texas, residing in their respective neighborhoods. This, if true, is in direct violation of the treaty of amity between the two countries, of the 5th of April, 1831; a printed copy of which I herewith forward to you, calling your attention, at the same time, to its 33d article.

There seems to be but little doubt as to the correctness of the information communicated by Major Butler; and the President instructs and authorizes you, in case the Government of Texas should apply to you to fulfil the treaty obligations of the United States, to maintain peace and harmony among the several Indian nations who inhabit the

lands adjacent to the lines and rivers which form the boundaries of the two countries, and to restrain, by force, all hostilities and incursions on the part of the Indian nations living within our boundaries ; and if you should, upon examination, consider the grounds sufficient to warrant such application, to make requisition on either or all of the commandants of the forces at Forts Jesup, Towson, and Washita, for such portions of their respective commands as may be deemed necessary for the purpose, to be marched and stationed at such points as you may, on consultation with the Texan authorities, deem best adapted to secure the object—either within the limits of the United States, or, if requested by the Government of Texas, within its limits ; it being understood that the objects are limited to the fulfilment of our treaty stipulations.

I herewith inclose copies of the orders which have been issued by the proper department to the several officers in command at the respective posts, to comply with your requisition. You will take care, in making the requisitions, to leave a sufficient force at the respective stations to protect them and the public property against the dangers to which, in your judgment, they may be exposed.

I am, sir, with high respect, your obedient servant,

J. C. CALHOUN.

To A. J. DONELSON, Esq., &c.

Mr. Calhoun to Mr. Howard.

DEPARTMENT OF STATE, WASHINGTON, *Sept. 10th*, 1844.

SIR :—Your despatch (No. 1) transmitted through General Taylor, inclosing a copy of your correspondence with the Secretary of State of the Republic of Texas, has been laid before the President, who has given to it that deliberate consideration which its importance claims.

He approves of the construction which you placed on the

letter of Mr. Nelson, acting Secretary of State *ad interim*, to Mr. Murphy; and on mine to Mr. Van Zandt, in relation to the assurances to which the Texan Secretary of State refers in his letter to which yours is a reply. But he instructs you to assure the Government of Texas that he feels the full force of the obligation of this Government to protect Texas, pending the question of annexation, against the attacks which Mexico may make on her, in consequence of her acceptance of the proposition of this Government to open negotiations on the subject of annexing Texas to the United States. As far as it relates to the Executive Department, he is prepared to use all its powers for that purpose. But the Government of Texas is fully aware that they are circumscribed by the Constitution within narrow limits, which it would not be possible for the President to transcend. All that he can do is, to make suitable representations to the Mexican Government against the renewal of the war pending the question of annexation, and the savage manner in which it is proposed to conduct it, accompanied by appropriate protests and indications of the feelings with which he regards both; and to recommend to Congress to adopt measures to repel any attack which may be made.

In execution of the first, a communication (a copy of which is inclosed) has been addressed to our minister in Mexico, and forwarded to him by a special messenger, which, it is to be hoped, will not be without effect in arresting her hostile movements. You will give a copy of it to the Texan Government, and you will assure it that, when Congress meets, the President will recommend the adoption of measures to protect Texas effectually against the attacks of Mexico pending the question of annexation. He hopes these measures will prove satisfactory to the Government of Texas, and that no serious invasion will be attempted, at least, before the meeting of Congress.

I enclose a copy of a despatch to our minister at Paris,

which you may show to President Houston and the Secretary of State. It will doubtless be satisfactory to them to learn that France is not disposed, in any event, to take a hostile attitude in reference to annexation. A despatch, of a subsequent date to the one to which the inclosed is an answer, gives a conversation between Mr. Guizot and our minister, equally satisfactory as that with the King. He stated, in reply to a question on the part of our minister, that France had not agreed to unite with England in a protest against annexation.

I am happy to add, in conclusion, that the indications of public sentiment are highly favorable to the cause of annexation, and that we may now look forward with much confidence to the consummation of that great measure at no distant period.

I am, sir, respectfully, your obedient servant,

J. C. CALHOUN.

To TILGHMAN A. HOWARD, Esq., &c., &c., &c.

Mr. Calhoun to Mr. King.

DEPARTMENT OF STATE, WASHINGTON, *August 12th*, 1844.

SIR :—I have laid your despatch No. 1 before the President, who instructs me to make known to you that he has read it with much pleasure, especially the portion which relates to your cordial reception by the King, and his assurance of friendly feelings towards the United States. The President in particular highly appreciates the declaration of the King, that in no event would any steps be taken by his Government in the slightest degree hostile, or which would give to the United States just cause of complaint. It was the more gratifying from the fact that our previous information was calculated to make the impression that the Government of France was prepared to unite with Great Britain in a joint protest against the annexation of Texas, and a joint

effort to induce her Government to withdraw the proposition to annex, on condition that Mexico should be made to acknowledge her independence. He is happy to infer from your despatch that the information, as far as it relates to France, is, in all probability, without foundation. You did not go further than you ought in assuring the King that the object of annexation would be pursued with unabated vigor, and in giving your opinion that a decided majority of the American people were in its favor, and that it would certainly be annexed at no distant day. I feel confident that your anticipations will be fully realized at no distant period. Every day will tend to weaken that combination of political causes which led to the opposition of the measure, and to strengthen the conviction that it was not only expedient, but just and necessary. You were right in making the distinction between the interests of France and England in reference to Texas—or rather, I would say, the apparent interests of the two countries. France cannot possibly have any other than commercial interest in desiring to see her preserve her separate independence; while it is certain that England looks beyond, to political interests, to which she apparently attaches much importance. But, in our opinion, the interest of both against the measure is more apparent than real; and that neither France, England, nor even Mexico herself, has any in opposition to it, when the subject is fairly viewed and considered in its whole extent and in all its bearings. Thus viewed and considered, and assuming that peace, the extension of commerce, and security, are objects of primary policy with them, it may, as it seems to me, be readily shown that the policy on the part of those powers which would acquiesce in a measure so strongly desired by both the United States and Texas, for their mutual welfare and safety, as the annexation of the latter to the former, would be far more promotive of these great objects than that which would attempt to resist it.

It is impossible to cast a look at the map of the United States and Texas, and to note the long, artificial, and inconvenient line which divides them, and then to take into consideration the extraordinary increase of population and growth of the former, and the source from which the latter must derive its inhabitants, institutions, and laws, without coming to the conclusion that it is their destiny to be united, and, of course, that annexation is merely a question of *time* and *mode*. Thus regarded, the question to be decided would seem to be, whether it would not be better to permit it to be done now, with the mutual consent of both parties, and the acquiescence of these powers, than to attempt to resist and defeat it. If the former course be adopted, the certain fruits would be the preservation of peace, great extension of commerce, by the rapid settlement and improvement of Texas, and increased security, especially to Mexico. The last, in reference to Mexico, may be doubted; but I hold it not less clear than the other two.

It would be a great mistake to suppose that this Government has any hostile feelings towards Mexico, or any disposition to aggrandize itself at her expense. The fact is the very reverse.

It wishes her well, and desires to see her settled down in peace and security; and is prepared, in the event of the annexation of Texas, if not forced into conflict with her, to propose to settle with her the question of boundary, and all others growing out of the annexation, on the most liberal terms. Nature herself has clearly marked the boundary between her and Texas by natural limits too strong to be mistaken. There are few countries whose limits are so distinctly marked; and it would be our desire, if Texas should be united to us, to see them firmly established, as the most certain means of establishing permanent peace between the two countries, and strengthening and cementing their friendship. Such would be the certain consequence of permitting

the annexation to take place now, with the acquiescence of Mexico; but very different would be the case if it should be attempted to resist and defeat it, whether the attempt should be successful for the present or not. Any attempt of the kind would, not improbably, lead to a conflict between us and Mexico, and involve consequences, in reference to her and the general peace, long to be deplored on all sides, and difficult to be repaired. But should that not be the case, and the interference of another power defeat the annexation for the present, without the interruption of peace, it would but postpone the conflict, and render it more fierce and bloody whenever it might occur. Its defeat would be attributed to enmity and ambition on the part of that power by whose interference it was occasioned, and excite deep jealousy and resentment on the part of our people, who would be ready to seize the first favorable opportunity to effect by force, what was prevented from being done peaceably by mutual consent. It is not difficult to see how greatly such a conflict, come when it might, would endanger the general peace, and how much Mexico might be the loser by it.

In the mean time, the condition of Texas would be rendered uncertain, her settlement and prosperity in consequence retarded, and her commerce crippled, while the general peace would be rendered much more insecure. It could not but greatly affect us. If the annexation of Texas should be permitted to take place peaceably now (as it would, without the interference of other powers), the energies of our people would, for a long time to come, be directed to the peaceable pursuits of redeeming, and bringing within the pale of cultivation, improvements, and civilization, that large portion of the continent lying between Mexico on one side, and the British possessions on the other, which is now, with little exception, a wilderness with a sparse population, consisting, for the most part, of wandering Indian tribes.

It is our destiny to occupy that vast region; to intersect

it with roads and canals; to fill it with cities, towns, villages, and farms; to extend over it our religion, customs, constitution, and laws; and to present it as a peaceful and splendid addition to the domains of commerce and civilization. It is our policy to increase, by growing and spreading out into unoccupied regions, assimilating all we incorporate: in a word, to increase by accretion, and not, through conquest, by the addition of masses held together by the cohesion of force. No system can be more unsuited to the latter process, or better adapted to the former, than our admirable Federal system. If it should not be resisted in its course, it will probably fulfil its destiny without disturbing our neighbors, or putting in jeopardy the general peace; but if it be opposed by foreign interference, a new direction will be given to our energy, much less favorable to harmony with our neighbors, and to the general peace of the world.

The change would be undesirable to us, and much less in accordance with what I have assumed to be primary objects of policy on the part of France, England, and Mexico.

But, to descend to particulars: it is certain that while England, like France, desires the independence of Texas, with the view to commercial connections; it is not less so, that one of the leading motives of England for desiring it, is the hope that, through her diplomacy and influence, negro slavery may be abolished there, and ultimately, by consequence, in the United States, and throughout the whole of this continent. That its ultimate abolition throughout the entire continent is an object ardently desired by her, we have decisive proof in the declaration of the Earl of Aberdeen, delivered to this department, and of which you will find a copy among the documents transmitted to Congress with the Texan treaty. That she desires its abolition in Texas, and has used her influence and diplomacy to effect it there, the same document, with the correspondence of this department

with Mr. Pakenham, also to be found among the documents, furnishes proof not less conclusive.

That one of the objects of abolishing it there, is to facilitate its abolition in the United States, and throughout the continent, is manifest from the declaration of the abolition party and societies, both in this country and in England. In fact, there is good reason to believe that the scheme of abolishing it in Texas, with the view to its abolition in the United States and over the continent, originated with the prominent members of the party in the United States, and was first broached by them in the (so called) World's Convention, held in London in the year 1840, and through its agency brought to the notice of the British government.

Now, I hold not only that France can have no interest in the consummation of this grand scheme, which England hopes to accomplish through Texas, if she can defeat the annexation; but that her interest, and those of all the continental powers of Europe, are directly and deeply opposed to it.

It is too late in the day to contend that humanity or philanthropy is the great object of the policy of England in attempting to abolish African slavery on this continent.

I do not question but humanity may have been one of her leading motives for the abolition of the African slave trade, and that it may have had a considerable influence in abolishing slavery in her West India possessions—aided, indeed, by the fallacious calculation that the labor of the negroes would be at least as profitable, if not more so, in consequence of the measure. She acted on the principle that tropical products can be produced cheaper by free African labor and East India labor, than by slave labor. She knew full well the value of such products to her commerce, navigation, navy, manufactures, revenue, and power. She was not ignorant that the support and the maintenance of her political preponderance depended on her tropical possessions, and had no intention of diminishing their productiveness, nor any anticipation

that such would be the effect, when the scheme of abolishing slavery in her colonial possessions was adopted. On the contrary, she calculated to combine philanthropy with profit and power, as is not unusual with fanaticism. Experience has convinced her of the fallacy of her calculations. She has failed in all her objects. The labor of her negroes has proved far less productive, without affording the consolation of having improved their condition.

The experiment has turned out to be a costly one. She expended nearly one hundred millions of dollars in indemnifying the owners of the emancipated slaves. It is estimated that the increased price paid since, by the people of Great Britain, for sugar and other tropical productions, in consequence of the measure, is equal to half that sum; and that twice that amount has been expended in the suppression of the slave trade; making, together, two hundred and fifty millions of dollars as the cost of the experiment. Instead of realizing her hope, the result has been a sad disappointment. Her tropical products have fallen off to a vast amount. Instead of supplying her own wants and those of nearly all Europe with them, as formerly, she has now, in some of the most important articles, scarcely enough to supply her own. What is worse, her own colonies are actually consuming sugar produced by slave labor, brought direct to England, or refined in bond, and exported and sold in her colonies as cheap or cheaper than they can be produced there; while the slave trade, instead of diminishing, has been, in fact, carried on to a greater extent than ever. So disastrous has been the result, that her fixed capital vested in tropical possessions, estimated at the value of nearly five hundred millions of dollars, is said to stand on the brink of ruin.

But this is not the worst. While this costly scheme has had such ruinous effects on the tropical productions of Great Britain, it has given a powerful stimulus, followed by a corresponding increase of products, to those countries which

have had the good sense to shun her example. There has been vested, it is estimated by them, in the production of tropical products, since 1808, in fixed capital, nearly $4,000,000,000, wholly dependent on slave labor. In the same period, the value of their products has been estimated to have risen from about $72,000,000 annually, to nearly $220,000,000; while the whole of the fixed capital of Great Britain, vested in cultivating tropical products, both in the East and West Indies, is estimated at only about $830,000,000, and the value of the products annually at about 50,000,000. To present a still more striking view of three articles of tropical products (sugar, coffee, and cotton), the British possessions, including the West and East Indies, and Mauritius, produced, in 1842, of sugar only 3,993,771 cwt.; while Cuba, Brazil, and the United States, excluding other countries having tropical possessions, produced 9,600,000 cwt.; of coffee, the British possessions produced only 27,393,003, while Cuba and Brazil produced 201,590,125 pounds; and of cotton, the British possessions, including shipments to China, only 137,443,446 pounds, while the United States alone produced 790,479,275 pounds.

The above facts and estimates have all been drawn from a British periodical of high standing and authority,* and are believed to be entitled to credit.

This vast increase of the capital and production on the part of those nations who have continued their former policy towards the negro race, compared with that of Great Britain, indicates a corresponding relative increase of the means of commerce, navigation, manufactures, wealth, and power. It is no longer a question of doubt, that the great source of the wealth, prosperity, and power of the more civilized nations of the temperate zone (especially Europe, where the arts have made the greatest advance), depends, in a great de-

* Blackwood's Magazine for June, 1844.

gree, on the exchange of their products with those of the tropical regions. So great has been the advance made in the arts, both chemical and mechanical, within the few last generations, that all the old civilized nations can, with but a small part of their labor and capital, supply their respective wants: which tends to limit within narrow bounds the amount of the commerce between them, and forces them all to seek for markets in the tropical regions, and the more newly settled portions of the globe. Those who can best succeed in commanding those markets, have the best prospect of outstripping the others in the career of commerce, navigation, manufactures, wealth, and power.

This is seen and felt by British statesmen, and has opened their eyes to the errors which they have committed. The question now with them is, how shall it be counteracted? What has been done cannot be undone. The question is, by what means can Great Britain regain and keep a superiority in tropical cultivation, commerce, and influence? Or, shall that be abandoned, and other nations be suffered to acquire the supremacy, even to the extent of supplying British markets, to the destruction of the capital already vested in their productions? These are the questions which now profoundly occupy the attention of her statesmen, and have the greatest influence over her councils.

In order to regain her superiority, she not only seeks to revive and increase her own capacity to produce tropical productions, but to diminish and destroy the capacity of those who have so far outstripped her in consequence of her error. In pursuit of the former, she has cast her eyes to her East India possessions—to central and eastern Africa—with the view of establishing colonies there, and even to restore, substantially, the slave trade itself, under the specious name of transporting free laborers from Africa to her West India possessions, in order, if possible, to compete successfully with those who have refused to follow her suicidal policy. But

these all afford but uncertain and distant hopes of recovering her lost superiority. Her main reliance is on the other alternative—to cripple or destroy the productions of her successful rivals. There is but one way by which it can be done, and that is by abolishing African slavery throughout this continent; and that she openly avows to be the constant object of her policy and exertions. It matters not how, or from what motive, it may be done—whether it be by diplomacy, influence, or force; by secret or open means; and whether the motive be humane or selfish, without regard to manner, means, or motive. The thing itself, should it be accomplished, would put down all rivalry, and give her the undisputed supremacy in supplying her own wants and those of the rest of the world; and thereby more than fully retrieve what she had lost by her errors. It would give her the monopoly of tropical productions, which I shall next proceed to show.

What would be the consequence if this object of her unceasing solicitude and exertions should be effected by the abolition of negro slavery throughout this continent, some idea may be formed from the immense diminution of productions, as has been shown, which has followed abolition in her West India possessions. But, as great as that has been, it is nothing compared to what would be the effect if she should succeed in abolishing slavery in the United States, Cuba, Brazil, and throughout this continent. The experiment in her own colonies was made under the most favorable circumstances. It was brought about gradually and peaceably, by the steady and firm operation of the parent country, armed with complete power to prevent or crush at once all insurrectionary movements on the part of the negroes, and able and disposed to maintain, to the full, the political and social ascendency of the former masters over their former slaves. It is not at all wonderful that the change of the relations of master and slave took place, under such circumstances, without violence

and bloodshed, and that order and peace should have been since preserved. Very different would be the result of abolition, should it be effected by her influence and exertions in the possessions of other countries on this continent—and especially in the United States, Cuba, and Brazil, the great cultivators of the principal tropical products of America. To form a correct conception of what would be the result with them, we must look, not to Jamaica, but to St. Domingo for example. The change would be followed by unforgiving hate between the two races, and end in a bloody and deadly struggle between them for the superiority. One or the other would have to be subjugated, extirpated, or expelled; and desolation would overspread their territories, as in St. Domingo, from which it would take centuries to recover. The end would be, that the superiority in cultivating the great tropical staples would be transferred from them to the British tropical possessions.

They are of vast extent, and those beyond the Cape of Good Hope possessed of an unlimited amount of labor, standing ready, by the aid of British capital, to supply the deficit which would be occasioned by destroying the tropical productions of the United States, Cuba, Brazil, and other countries cultivated by slave labor on this continent, so soon as the increased price, in consequence, would yield a profit. It is the successful competition of that labor which keeps the prices of the great tropical staples so low, as to prevent their cultivation with profit in the possessions of Great Britain, by what she is pleased to call free labor. If she can destroy its competition, she would have a monopoly in those productions. She has all the means of furnishing an unlimited supply: vast and fertile possessions in both Indies,—boundless command of capital and labor,—and ample power to suppress disturbances, and preserve order throughout her wide domains.

It is unquestionable, that she regards the abolition of sla-

very in Texas as a most important step towards this great object of policy, so much the aim of her solicitude and exertions; and the defeat of the annexation of Texas to our Union as indispensable to the abolition of slavery there. She is too sagacious not to see what a fatal blow it would give to slavery in the United States, and how certainly its abolition with us would abolish it over the whole continent, and thereby give her a monopoly in the productions of the great tropical staples, and the command of the commerce, navigation, and manufactures of the world, with an established naval ascendency and political preponderance. To this continent the blow would be calamitous beyond description. It would destroy, in a great measure, the cultivation and production of the great tropical staples, amounting annually in value to nearly $300,000,000—the fund which stimulates and upholds almost every other branch of its industry, commerce, navigation, and manufactures. The whole, by their joint influence, are rapidly spreading population, wealth, improvement, and civilization over the whole continent, and vivifying, by their overflow, the industry of Europe; thereby increasing its population, wealth, and advancement in the arts, in power, and in civilization.

Such must be the result, should Great Britain succeed in accomplishing the constant object of her desire and exertions, the abolition of negro slavery over this continent; and towards the effecting of which, she regards the defeat of the annexation of Texas to our Union so important. Can it be possible that governments so enlightened and sagacious as those of France and the other great continental powers, can be so blinded by the plea of philanthropy as not to see what must inevitably follow, be her motive what it may, should she succeed in her object? It is little short of mockery to talk of philanthropy, with the examples before us of the effects of abolishing negro slavery in her own colonies, in St. Domingo, and the northern States of our Union, where statis-

tical facts, not to be shaken, prove that the freed negro, after the experience of sixty years, is in a far worse condition than in the other States, where he has been left in his former condition. No: the effect of what is called abolition, where the number is few, is not to raise the inferior race to the condition of freemen, but to deprive the negro of the guardian care of his owner, subject to all the depression and oppression belonging to his inferior condition. But, on the other hand, where the number is great, and bears a large proportion to the whole population, it would be still worse. It would be to substitute for the existing relation a deadly strife between the two races, to end in the subjection, expulsion, or extirpation of one or the other: and such would be the case over the greater part of this continent where negro slavery exists. It would not end there; but would, in all probability, extend, by its example, the war of races over all South America,—including Mexico,—and extending to the Indian as well as to the African race, and make the whole one scene of blood and devastation.

Dismissing, then, the stale and unfounded plea of philanthropy, can it be that France and the other great continental powers—seeing what must be the result of the policy, for the accomplishment of which England is constantly exerting herself, and that the defeat of the annexation of Texas is so important towards its consummation—are prepared to back or countenance her in her efforts to effect either? What possible motives can they have to favor her cherished policy? Is it not better for them that they should be supplied with tropical products in exchange for their labor, from the United States, Brazil, Cuba, and this continent generally, than to be dependent on one great monopolizing power for their supply? Is it not better that they should receive them at the low prices which competition, cheaper means of production, and nearness of market, would furnish them by the former, than to give the high prices which monopoly, dear labor, and great

distance from market would impose? Is it not better that their labor should be exchanged with a new continent, rapidly increasing in population and the capacity for consuming, and which would furnish, in the course of a few generations, a market nearer to them, and of almost unlimited extent, for the products of their industry and arts, than with old and distant regions, whose population has long since reached its growth?

The above contains those enlarged views of policy which, it seems to me, an enlightened European statesman ought to take, in making up his opinion on the subject of the annexation of Texas, and the grounds, as it may be inferred, on which England vainly opposes it. They certainly involve considerations of the deepest importance, and demanding the greatest attention. Viewed in connection with them, the question of annexation becomes one of the first magnitude, not only to Texas and the United States, but to this continent and Europe. They are presented, that you may use them on all suitable occasions, where you think they may be with effect; in your correspondence, where it can be done with propriety, or otherwise. The President relies with confidence on your sagacity, prudence, and zeal. Your mission is one of the first magnitude at all times, but especially now; and he feels assured nothing will be left undone on your part to do justice to the country and the Government in reference to this great measure.

I have said nothing as to our right of treating with Texas, without consulting Mexico. You so fully understand the grounds on which we rest our right, and are so familiar with all the facts necessary to maintain them, that it was not thought necessary to add any thing in reference to it.

I am, sir, very respectfully, your obedient servant,

J. C. CALHOUN.

WILLIAM R. KING, Esq., &c.

Mr. Calhoun to Mr. Donelson.

DEPARTMENT OF STATE, WASHINGTON, *March 3d*, 1845.

SIR:—I herewith transmit to you a copy of the Joint Resolution adopted by Congress for the annexation of Texas to the United States.

You will perceive that it consists of two distinct parts: the one, embraced in the first and second sections, being the original resolution as it passed the House of Representatives; the other, included in the third and last, being the amendment made by the Senate, and subsequently adopted by the House. The former contains certain specific propositions for the admission of Texas into our Union; the latter gives a discretionary power to the President, if he should deem it advisable, to enter into negotiations with the republic, as prescribed in the section itself, instead of submitting to its acceptance or rejection the proposals contained in the former.

The President has deliberately considered the subject, and is of opinion that it would not be advisable to enter into the negotiations authorized by the amendment of the Senate; and you are, accordingly, instructed to present to the Government of Texas, as the basis of its admission, the proposals contained in the resolution, as it came from the House of Representatives.

It is not deemed necessary to state at large the grounds on which his decision rests. It will be sufficient to state, briefly, that the provisions of the resolution, as it came from the House, are more simple in their character,—may be more readily, and with less difficulty and expense, carried into effect; and that the great object contemplated by them is much less exposed to the hazard of ultimate defeat.

That they are more simple in their character, a very few remarks will suffice to show. According to the resolution, as it came from the House, nothing more is necessary than that

the Congress of Texas should be called together,—its consent given to the provisions contained in it,—and the adoption of a constitution by the people in convention, to be submitted to the Congress of the United States for its approval. in the same manner as when one of our own territories is admitted as a State. On the contrary, according to the provisions of the Senate's amendment, the Congress of Texas must in like manner be convened ; it must then go through the slow and troublesome process of carving a State out of a part of its territory ; afterwards it must appoint agents or commissioners to meet similar agents or commissioners to be appointed on our part, to discuss and agree on the terms and conditions on which the State shall be admitted, and on the cession of the remaining territory to the United States ; and after all this, and not before, the people of the said State must call a convention, frame a constitution, and then present it to the Congress of the United States for its approval, but which cannot be acted on, until the terms agreed upon by the negotiators, and which constitutes the conditions on which the State is to be admitted, shall have been ratified.

That they may be more readily, and with less difficulty and expense, carried into effect, is plain from the fact that the details are fewer and less complex. It is obvious that the numerous and complicated provisions contained in the amendment of the Senate, must involve much time and difficulty in their execution ; while, as to the expense, the appropriation of $100,000 provided for by it, is a clear additional cost over and above that attendant on the execution of the resolution of the House.

But the decisive objection to the amendment of the Senate is, that it would endanger the ultimate success of the measure. It proposes to fix, by negotiation between the Governments of the United States and Texas, the terms and conditions on which the State shall be admitted into our Union, and the cession of the remaining territory to the

United States. Now by whatever name the agents conducting the negotiation may be known,—whether they be called commissioners, ministers, or by any other title,—the compact agreed on by them, in behalf of their respective governments, would be a treaty, whether so called or designated by some other name. The very meaning of a treaty is, a compact between independent States, founded on negotiation. And if a treaty (as it clearly would be), it must be submitted to the Senate for its approval, and run the hazard of receiving the votes of two thirds of the members present; which could hardly be expected, if we are to judge from recent experience. This, of itself, is considered by the President as a conclusive reason for proposing the resolution of the House, instead of the amendment of the Senate, as the basis of annexation.*

* As the reader may desire to compare the original resolutions of the House with the Senate's amendments—to save the trouble of referring to Congressional documents—the Joint Resolution is given below:

JOINT RESOLUTION FOR ANNEXING TEXAS TO THE UNITED STATES.

1. *Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled,*—That Congress doth consent that the territory properly included within, and rightfully belonging to, the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of the said republic, by deputies in convention assembled, with the consent of the existing government, in order that the same may be admitted as one of the States of this Union.

2. *And be it further resolved,*—That the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit:—First, Said State to be formed, subject to the adjustment by this Government of all questions of boundary that may arise with other Governments; and the Constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six. Second, Said State, when admitted into the Union, after ceding to the United States all public

But it may be objected that the resolution of the House prescribes no means of rendering its provisions acceptable to the Government and people of Texas, in case they should prove unsatisfactory. The objection, however, is more apparent than real; for although none are expressly provided, it cannot be doubted that the Congress of Texas may propose

edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence, belonging to said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind, which may belong to, or be due and owing said republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States. Third, New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission, under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees, thirty minutes north latitude, commonly known as the Missouri Compromise line, shall be admitted into the Union, with or without slavery, as the people of each State, asking admission, may desire. And in such States as shall be formed out of said territory, north of said Missouri Compromise line, slavery, or involuntary servitude (except for crime) shall be prohibited.

8. *And be it further resolved*,—That if the President of the United States shall, in his judgment and discretion, deem it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Texas, as an overture on the part of the United States for admission, to negotiate with that republic—then, *Be it resolved*,—That a State, to be formed out of the present Republic of Texas, with suitable extent and boundaries, and with two representatives in Congress, until the next apportionment of representation, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission, and the cession of the remaining Texan territory to the United States, shall be agreed upon by

whatever amendments it may think essential, and transmit them to the Government of the United States, for its consideration and agreement ; and, if adopted, to be binding on both parties,—a far more satisfactory mode, in all probability, of obtaining the mutual consent of both, than that of negotiating through commissioners or other agents ; while it is exempt from the decisive objections to which this is liable.

the Governments of Texas and the United States; and that the sum of one hundred thousand dollars be, and the same is hereby, appropriated to defray the expenses of missions and negotiations, to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate, or by articles to be submitted to the two Houses of Congress, as the President may direct."

The first and second of the above series constitute the resolution of the House of Representatives; the third, the amendment of the Senate. The history of this amendment, when fully and fairly written out, will furnish a curious chapter in our annals. This is not a proper place for it. As to its motive and aim, it will suffice, for the present, to copy the following passages from the speech of Mr. Calhoun, in reply to Mr. Benton, delivered in the Senate, February 24, 1847, in vindication of the course he adopted after the passage of the Joint Resolution. These extracts but sketch the outlines of a chapter, which will probably be filled up by the future historian.

"But the senator (Mr. Benton) objects that I so conducted the question of annexation, as necessarily to lead to the war (with Mexico). On what does he rest this charge? He rests it on the ground that I selected the resolution as it came from the House of Representatives, as the basis of annexation, instead of giving the Texan Government the choice between the House resolution and the amendment of the Senate *originally moved by the senator himself*. He complained bitterly that the Senate resolution—passed at the very heel of the session, *under the expectation that it would be carried into effect by the present administration*, then just coming into power, and not by Mr. Tyler's administration, then about to expire—had not been adopted.

"He seemed to think that the then administration had no right to act upon it; and that undertaking to do so, was depriving its successor of some of its rights. He accuses me of acting with the greatest promptness. The fact is so. The resolution, if I recollect correctly, was signed by the late President about the first of March. I saw the im-

But it is deemed by the President of great importance that the resolution should be adopted by the Government of Texas without amendment, so as to avoid the hazards and contingencies incident to delay; and you are accordingly instructed to use your best exertions to effect this object. Should you fail in this, you will next endeavor to induce the

portance of acting promptly, and advised the President to act without delay; that he had the constitutional right of doing so; and that I deemed it right he should act, in order effectually to secure the success of a measure which had originated with his administration. His cabinet were summoned the next day, and concurred in the opinion. That night I prepared the despatch to Mr. Donelson, our Chargé in Texas, and the next day, late in the evening of the third of March, it was forwarded to him. It was my last official act of any importance as Secretary of State.

"I selected the resolution of the House in preference to the amendment, of which the Senator of Missouri was the author, because I clearly saw, not only that it was every way preferable, but the only certain mode by which annexation could be effected. My reasons for so thinking were fully set forth in my despatch (to Mr. Donelson), which may be found among the public documents accompanying the first annual message of the present Executive. They will speak for themselves; they never have been controverted, and never can be successfully. Indeed, I never considered the Senator's amendment as expressing the deliberate sense either of the Senate or House of Representatives. *It is well known that he, and a few of his friends, had the power of greatly embarrassing the passage of the resolutions of the House, if not of defeating them; and that his amendment was moved* (by Mr. Walker, of Miss.), *not so much as an improvement of the resolutions, as to gratify him and them.* That the course I adopted did secure the annexation, and that it was indispensable for that purpose, *I have high authority in my possession—that which all would admit to be the highest*, if I could, with propriety, introduce it; and for this prompt and decided act, if for nothing else, I might claim the authorship of annexation.

"Now can any thing be more absurd than the assertion that the war with Mexico resulted from selecting the House resolution, instead of the amendment of the Senator? He has ventured the bold assertion without the shadow of an argument to sustain it. What possible difference could it make with Mexico, whether the annexation was made

Congress of Texas to substitute, in place of amendments, separate and distinct propositions, expressive of their views of what the provisions of the resolution ought to be,—accompanied by a strong address setting forth their reasons at length, and expressing their reliance on the justice of the Government of the United States for their adoption. If both fail, it will then remain for the Congress of Texas to amend the resolution as above suggested.

The President also directs me to instruct you to proceed, with as little delay as possible, to the seat of the Government of Texas, and to urge speedy and prompt action on the subject. Time is important, and not a day ought to be lost. The last hope on the part of any foreign power which may feel disposed to defeat annexation, will be to act upon the Government of Texas; and it can scarcely be doubted, from the deep feelings expressed, on the part of one of the leading European powers against the measure, that no effort will be spared to induce Texas to reject the proposal contained in the resolution. Your presence, intelligence, activity, and influence, are confidently relied on to counteract the attempt.

I have the honor to be with high respect, sir, your obedient servant,

J. C. CALHOUN.

Mr. Van Zandt to Mr. Upshur.

LEGATION OF TEXAS, WASHINGTON (D. C.), *February 21st*, 1844.

SIR:—The undersigned, Chargé d'Affaires of the Republic of Texas, has the honor to acknowledge the receipt of the two communications of Mr. Upshur, Secretary of State of

upon one or the other? Why should the one not be as offensive to her as the other? Indeed, I doubt much, whether, even to this day, the Government of Mexico knows whether the resolution was passed with or without an alteration. Such is the baseless ground on which he has charged me with being the author of the war."—EDITOR.

the United States, of the 29th of December last, and of the 19th ultimo, submitting, in reply to a letter of his of the 10th of November last, the views at present entertained by the Government of the United States in relation to certain outrages complained of by the Government of Texas, and inviting any further suggestions which the undersigned might think necessary to elucidate the subject.

The undersigned is gratified to be informed that the Honorable Secretary of State, by direction of the President of the United States, readily disclaims any intention, on the part of his Government, to violate the territory of Texas; that Captain Cooke had no instructions which would have authorized him to violate any right of Texas, or her people; and that directions have been given to the Secretary of War to order a court of inquiry upon that officer; also, that the arms taken from the Texan troops will be restored, or compensation made for them; and that "such further steps will be taken, upon the report of the court of inquiry, as may seem to be necessary, in order to render full justice to Texas and her people."

Under these assurances, and until the result of the court of inquiry, and the action of the Government of the United States thereon, shall be made known, the undersigned deems it only necessary to notice the principal grounds which appear to be set up in justification or extenuation of the extraordinary conduct of Captain Cooke.

The first is, that the Texan forces were found in the territory of the United States. Captain Cooke attempts to prove this—first, by "actual observations;" which, as appears from his diary, show the transaction to have occurred in the 94th degree of west longitude. As to the correctness of these "observations," let us examine the facts. The town of Independence (Missouri, from which the trader sets out) is within a short distance of the western boundary of that State, which, as delineated, is in longitude west, 94 degrees

and 30 minutes. The course of the road from Independence to Santa Fé is a few degrees south of west. The distance from the former place to the point on the Arkansas River where the occurrence took place must be four hundred miles, or more; and, consequently, several degrees west of the longitude named in the diary of Captain Cook Again: by an examination of the most authentic maps to which the undersigned has been able to refer, it appears that Walnut Creek (a tributary of the Arkansas), mentioned by Captain Cooke, is west of the 98th degree of west longitude. From this he had continued his march with the traders eight days. The undersigned is not informed of the usual distance of a day's march under such circumstances, but believes it reasonable to suppose that they must have reached a point west of the 100th degree of west longitude. These facts show, conclusively, that the observations made, as stated in the diary of Captain Cooke, are wholly erroneous, and unworthy of reliance. Secondly: Captain Cooke says that "the line was understood by all to strike at least fifteen miles higher up than where they then were." This assertion, though not directly contradictory of the observations mentioned in his diary, at least exhibits a great discrepancy between them. But to whom does he allude when he says it was "understood by all?" He of course did not mean to include the forces of Texas, for their commander protested to the contrary; but must be understood as intending to convey the idea that it was a kind of general understanding or impression with his own party. In some instances, general understandings and impressions are entitled to much weight; but in cases of unmarked boundaries, experience has shown that they merit but little consideration, and more especially when the understanding (I care not how general it may be) is confined to one of the interested parties. Previous to running the boundary between the two countries from the Sabine to the Red River, the general impression existed in the United

States that the line would strike the latter river much higher up than where it actually did when run. This impression was so strong, that the State of Arkansas attempted, and for some time exercised, jurisdiction as high up as Jonesborough. By the authority of the United States, a portion of the same territory was surveyed and sold as United States land, and the proceeds applied to their use. When Texas proposed to open her land office in the county of Red River, the seat of justice of which is forty-five miles west of the ascertained boundary line, Mr. Forsyth, then Secretary of State, by direction of the President, threatened the Texan authorities with military force if they did not desist. The undersigned does not state these facts with a design to impute to the Government of the United States an undue desire for the extension of its jurisdiction, but only for the purpose of showing how little importance is due to the argument or assertion of Captain Cooke, that it was so "understood by all." On the other hand, Major Snively states that he took up his line of march from Georgetown, and proceeded one hundred and fifty miles west, to where he crossed Red River. Georgetown is reputed to be about two hundred miles west of the point where the boundary line heretofore run from the Sabine to the Red River strikes the latter; which, by reference to the report of the commissioners, is shown to be west of the 94th degree of west longitude. The course of Major Snively's march from where he crossed Red River was north, 20 degrees west; and the distance to the Arkansas about two hundred and seventy-five miles. From these calculations, there is every reason to believe that the point at which the Texan forces reached the Arkansas, and at which they were encamped, was within the territory of Texas.

Captain Cooke next alleges that the Texan forces were engaged in the attempt to interrupt the lawful trade between the United States and Mexico, and that he had the right to disarm, so as to take from them the power of molesting the

citizens of the United States and of Mexico engaged in that trade. Now, how are the facts of the case? The Texan force was strictly of a partisan character, and directed against such Mexican traders as might be found within the limits of Texas. Such were the objects set forth in the order of the War Department of Texas, directed to Major Snively, a copy of which was given to Captain Cooke at his request. The same objects were avowed by Major Snively to Captain Cooke, and there is nothing shown which manifests a different purpose. Captain Cooke, it is true, does say that, when at Walnut Creek, he received intelligence that Major Snively had avowed that he would attack the caravan whenever he *found it unprotected;* that he had made threats against the American portion; and that three of the Texan spies had been reconnoitring in the territory of the United States. From whom this intelligence was derived, is .not stated. The presumption is, that the name of the author could give it no additional force, and that it was got up like the many false rumors that are frequently circulated upon the borders.

But admit that Captain Cooke did believe the intelligence when he received it, in his interview with Major Snively he must have discovered its falsity; for Major Snively states that he did not march to the river until the 29th of June, seven days after Captain Cooke had heard that his spies had previously been in the territory of the United States. This, with the assurances of Major Snively personally given, and the exhibition of his orders before alluded to, must have proven to him that there were no good grounds to apprehend an attack upon the caravan, while it was protected by his superior numbers and arms, or so long as it was confessedly within the territory of the United States (which it then was, being on the north side of the river).

But to return to the objects of the forces of Texas. Were they not lawful and proper? As one of the attributes of sovereignty, Texas had the undoubted right to re-

gulate her internal commerce and trade, and to take the necessary steps to guard and protect herself against the violation of those regulations. For her own security and preservation against her enemies, she had the right, in all cases, to seize upon their persons and property, wherever found, without the limits of a neutral's territory, and especially within her own. The goods of the Mexican and American portions of the caravan were designed to be smuggled through the territory of Texas, in evasion and violation of her revenue laws, and intended for the use of her enemies; and, consequently, would have been liable to seizure had they entered her territory; and such act of seizure would have furnished no good ground of complaint on the part of the United States. The undersigned knows of no rule, or principle of right, which would authorize the United States to attempt the protection of her own citizens who might be found within the limits of Texas engaged in such illicit traffic; much less the Mexican enemies of Texas, who, in their manner of warfare, have never hesitated to violate the several rights of humanity and the usages of civilized nations.

From the foregoing, these conclusions may be deduced: that the objects of Major Snively's expedition were lawful and proper; that though the boundary line had not been run, he had every reason to believe he was within the territory of Texas. The worst that could be said of it was, that the jurisdiction might be doubtful—in either case, he had the right to be there; that he was there, evidently not for the purpose of attacking the caravan within the known limits of the United States, but to await its progress to the south side of the river, within the limits of Texas; and that Captain Cooke had no good reasons to apprehend danger to the caravan at the time, nor was his course necessary to its protection, in any portion of the United States, to the line of which he was to furnish the escort; and, consequently, that he was wholly unjustifiable in disarming the forces of Texas

Captain Cooke next asserts that "he used no harshness, nor more force than was necessary to accomplish the object." From this it is inferred that, having falsely considered he had the right to disarm, he likewise holds the monstrous doctrine that all means are lawful which he may have deemed necessary to effect his object. Having shown that he had no right to molest the Texan force, it appears equally plain, from his own admissions, that the manner of doing so was both wanton and inexcusable. In proof of this, the attention of the Honorable Secretary of State is invited to the following facts, drawn from the two statements of Major Snively and Captain Cooke. When Captain Cooke's forces approached in sight of the Texan camp, a flag of truce was hung out at the latter, which was recognized by him, sending at the same time a trumpeter and flag to the camp of Major Snively, and offering him a safe conduct over and back. Under this assurance he visited Captain Cooke, where (without going into all the details) he was detained until the forces of Captain Cooke had crossed the river, formed the line of battle, and, with portfires lighted, demanded of the Texan force to lay down their arms; thus violating the flag of truce, and the assurances given by himself; both of which would have been held dishonorable in all ages and by all nations, even between enemies—much more between friends. The undersigned will not enlarge upon this subject, and the subsequent inhuman treatment extended to the Texan force. In his former note, he took occasion to characterize the conduct of Captain Cooke in terms of strong reprobation. On further examination, he can see no cause to lessen or modify their character. He therefore confidently believes, and his government expects that, upon the report of the court of inquiry, Captain Cooke will be dismissed from his command, with that censure which his conduct so eminently merits.

In regard to the letter of Brevet Major-general Gaines, the undersigned has been unable to discover the grounds of

the interpretation given it by the Honorable Secretary of State, when he says that "it is not of an official character." The letter is dated at "Headquarters, St. Louis, Missouri," signed "Edmund P. Gaines, Major-general United States army commanding," and directed to "Brigadier-general Z. Taylor, commanding the 2d department, Fort Smith, Arkansas." It treats of the military operations of his department, and, in the opinion of the undersigned, has all the necessary requisites to give it the force, and attach to it the responsibilities, of an official act. The Honorable Secretary of State further remarks, that it has not been communicated to any department of this [his] Government by the writer. The undersigned does not conceive it very material whether it was communicated by the writer or some one else. Previous to the receipt of the communication of the Honorable Secretary of State, the undersigned was informed, through the courtesy of the late Secretary of War of the United States, that the letter alluded to had been communicated to his department, and certain orders or instructions had been given to the major-general of the United States army concerning it.

The undersigned believes it due to the Government of Texas, that it should be informed whether or not any order countermanding or disapproving this act of Brevet Major-general Gaines has been issued from the proper department, of the Government of the United States; and also whether any steps will be taken for the punishment of that officer. In governments constituted like that of the United States, the acts of their officers must, in some degree, be considered as indicative of the disposition of those governments. If this be true, and an officer of the high rank of brevet major-general shall, acting in his official capacity, write and *publish* (as in the instance complained of) his inflammatory orders, traducing the forces and calumniating the people of Texas, and such act be suffered to go uncensured, and its author unpunished, it may exert a most deleterious influence upon

those amicable relations which have so happily existed between the two countries, and which it is the interest, and must be the sincere desire, of both to foster, preserve, and perpetuate.

The Government of the undersigned will receive with satisfaction the disclaimer made by the Honorable Secretary of State, for his Government, of so much of the letter of Brevet Major-general Gaines as claimed the right to operate to the Rio Grande.

On the 8th of August last, the undersigned had the honor to communicate to the Honorable Secretary of State information which he had received of an assault upon a revenue officer of Texas, and the rescue of certain goods from his lawful possession by citizens of the United States, who, it is alleged, were aided or countenanced by officers of the United States army. On the 10th of the same month, the undersigned received the note of the Honorable Secretary of State, in reply, acknowledging the fact of the assault and rescue, and transmitting certain documents in relation thereto; giving, at the same time, an assurance that immediate measures would be taken to inquire into all the circumstances of the case, and the result of the inquiry made known to the undersigned. Since the date of the note last alluded to, no communication has been received from the Honorable Secretary of State touching this subject. The undersigned avails himself of this occasion to again invite his attention to it, and to request that it may receive the early consideration of the President of the United States. At the date of the former note of the undersigned upon this subject, he had not then received (and was, consequently, unable to transmit) an estimate of the goods, wares, and merchandise rescued from the collector. He has since been informed by his Government that the supposed amount is $70,000; for which sum he has been instructed to make a demand of the Government of the United States, which he now does, and to

renew the request for proper satisfaction for the insult given to the Government of Texas in the person of its officer, and the grievous personal injury sustained by him.

The undersigned seizes with pleasure this occasion to renew to the Honorable Secretary of State assurances of his distinguished consideration.

ISAAC VAN ZANDT.

Hon. A. P. UPSHUR, &c.

Mr. Calhoun to Mr. Van Zandt.

DEPARTMENT OF STATE, WASHINGTON, *August* 14*th*, 1844.

The undersigned, Secretary of State of the United States, has the honor of transmitting herewith to Mr. Van Zandt, Chargé d'Affaires of the Republic of Texas, a copy of a note from the Secretary of War, covering a copy of an extract of the proceedings of the court of inquiry in the case of Captain Cooke, relating to the discharge of the duty assigned him for the protection of the caravan of Santa Fé traders, through the territories of the United States, to the Texan frontier, in May and June, 1843.

The court was ordered at the request of my immediate predecessor, in conformity to the intimation contained in his communication to Mr. Van Zandt of the 19th of January last, in order to ascertain more fully, and in the most authentic form, the circumstances and facts connected with the proceedings of Captain Cooke and his command, in the disarming of the Texan force under the command of Colonel Snively. Mr. Van Zandt will find, on recurring to the extract, that the opinion of the court is, that the place where the Texan force was disarmed was within the territory of the United States; that there was nothing in the conduct of Captain Cooke which was harsh or unbecoming; and that he did not exceed the authority derived from the orders un-

der which he acted. It is proper to add, that the court consisted of three officers of experience and high standing, that the case was fully laid before it, and that its opinion appears to be fully sustained by the evidence.

There seems to be no doubt that Captain Cooke was sincerely of the opinion that the Texan force was within the territory of the United States; and that the fulfilment of his order to protect the trade made it his duty, under such circumstances, to disarm them. It is readily conceded that the commander of the Texan forces, with equal sincerity, believed the place he occupied was within the territory of Texas. Which was right, or which wrong, can be ascertained with certainty only by an actual survey and demarcation of the line dividing the two countries, between the Red and Arkansas Rivers.

With these impressions, the undersigned is of opinion that it is not either necessary or advisable to renew between the two Governments the discussion on the question whether the Texan force was, or was not, within the limits of the United States, or the others heretofore brought into the discussion in connection therewith. It could lead only to fruitless efforts to establish what, in the present state of information, cannot be fixed with any certainty, to be followed by irritated feelings between two countries whose interest it is to be on the most friendly terms.

In the hope, therefore, of closing this discussion, and putting an end to this exciting subject, the undersigned renews the offer of his predecessor, contained in the communication above referred to, "to restore the arms taken from the Texan force, or to make compensation for them;" and his assurance, given at the same time, that "his Government never meditated, and will not sanction any indignity towards the Government of Texas, nor any wrong towards her people, and will readily repair any injury of either kind, which may be made to appear."

The undersigned has also the honor to transmit herewith, a copy of a letter from the Secretary of War, covering communications from the Adjutant-general and the Commissioner of Indian Affairs, giving additional information in reference to the outrage said to have been committed by citizens of the United States on the collector of the district of Red River in Texas, and which has heretofore been a subject of correspondence between the two Governments.

It would seem, on a review of all the evidence, that the outrage was the act of the captain of the "Fort Towson," and the individuals who accompanied him; and that no officer of the United States, civil or military, was implicated in it, either before, as advisers or aiders, or after, as abettors. The guard ordered down by the commandant of the garrison of Fort Towson seems to have been for the protection of the public property on board. Should, however, any fact hereafter come to light calculated to implicate any one acting under the authority of the United States, it will be made a subject of special investigation.

The undersigned admits that the outrage was one of an aggravated character; and also that, according to the law of nations, it is the duty of a government to prevent its citizens or subjects from injuring another government or its citizens or subjects whenever it can; and when it cannot, that it should compel the offender to make reparation for the damage or injury if possible; or to inflict on him exemplary punishment, or deliver him up to the offended state, to be punished according to its laws in such cases; or make reparation itself for the injury. It is to be regretted that there is no law of the United States, or treaty stipulation between them and Texas, providing for punishing offenders of the kind, or delivering them up to the offended party to be punished according to its laws. In their absence, this Government has no power to deliver up the offenders in this case, or to punish them for the offence,—unless, indeed, the laws of the State of Arkan-

sas make it penal for its citizens to enter into a combination or conspiracy, to commit an unlawful act beyond its jurisdiction, and within that of another State or country. If they do, the perpetrators of the outrage may be indicted and tried in the criminal courts of the State ; and orders will accordingly be given, if such should be the case, to the district attorney of the United States for the State of Arkansas, to institute criminal proceedings against them, with a view to their conviction and punishment.

As to the reparation to be made for the damage sustained by the Government of Texas, in consequence of the forcible seizing and taking away from its possession the goods introduced in violation of the revenue law, and for which Mr. Van Zandt has made, in its name, a demand for compensation equal to their estimated value ;—the undersigned is instructed by the President to state, that it will require the sanction of Congress to make the compensation, as the Constitution of the United States provides, expressly, that " no money shall be drawn from the treasury but in consequence of appropriations made by law," but that he will recommend the subject to that department of the Government, for its favorable consideration and action at the next session.

In order to enable him to present the subject fairly, Mr. Van Zandt will, of course, see that it will be necessary for his Government to furnish this with all the evidence which may be requisite to establish, authentically, the facts of the illegal introduction of the goods, their forcible seizure and taking away by the citizens of the United States, and the amount of damage suffered in consequence ; to be transmitted by the President to Congress, with his message.

The undersigned avails himself of this occasion to offer Mr. Van Zandt renewed assurances of his very distinguished consideration.

J. C. CALHOUN.

To the Hon. ISAAC VAN ZANDT, &c.

Mr. Van Zandt to Mr. Calhoun.

LEGATION OF TEXAS,
WASHINGTON (D. C.), *August 16th*, 1844.

The undersigned, Chargé d'Affaires of the Republic of Texas, has the honor to acknowledge the receipt of the note of Mr. Calhoun, Secretary of State of the United States, of the 14th instant, furnishing the decision of the court-martial appointed for the trial of Captain Cooke, and additional information concerning the forcible rescue of certain goods from the collector of Red River, with the opinions of the President of the United States in relation thereto; also, the documents inclosed therewith explanatory of the two cases referred to. Copies of the same will immediately be transmitted to the Government of Texas for its information. It is not deemed necessary, at this time, to add any thing further in relation to the trial and acquittal of Captain Cooke.

The very just and proper views expressed by the Honorable Secretary of State concerning the outrage upon the collector of Red River, and the willingness manifested by the President of the United States to make compensation for the injuries inflicted and damages done, will be very gratifying to the President of Texas, furnishing, as it does, renewed evidence on the part of the Government of the United States of a disposition to preserve the most friendly relations between the two countries—a disposition which the undersigned is happy to assure the Secretary of State is fully reciprocated by the Government of Texas.

The testimony referred to as necessary to be transmitted to Congress with the message of the President of the United States, will be furnished at the earliest day possible.

The undersigned avails himself of this occasion to renew to Mr. Calhoun assurances of his very distinguished consideration.

ISAAC VAN ZANDT.

Hon. JOHN C. CALHOUN, &c.

Mr. Van Zandt to Mr. Calhoun.

LEGATION OF TEXAS, WASHINGTON CITY, *Sept. 9th*, 1844.

SIR :—I have the honor to inform you, that since the date of my last note, in reply to yours in relation to the arms taken from Colonel Snively's command, I have received further instructions from my Government respecting the same ; and now announce to your excellency the acceptance of the offer made by you on the part of your Government. As it is not probable that the arms could be returned in the order in which they were taken, compensation will be received for them. Their value, &c., as I understand, having been communicated to the Department of War of the United States, I hope you will inform me at what time your Government will be in readiness to discharge the demand.

I avail myself of this occasion to offer to you renewed assurances of my distinguished consideration.

ISAAC VAN ZANDT,
Chargé d'Affaires of the Republic of Texas.

To the Hon. J. C. CALHOUN, &c.

Mr. Calhoun to Mr. Raymond.

DEPARTMENT OF STATE, WASHINGTON, *Sept. 18th*, 1844.

SIR :—The note addressed to this department by the Honorable Mr. Van Zandt, late Chargé d'Affaires of the Republic of Texas, dated on the 9th inst, has been referred to the Honorable Secretary of War for his decision ; and I have the honor to inform you that it is not considered within the competency of the Government, without further legislation on the part of Congress, to carry out the arrangement proposed in reference to the arms taken from Captain Snively's command by the orders of Captain Cooke. The proceeds of the

sale of the condemned arms have gone, according to law, with the general mass of receipts, into the treasury; and, of course, are not subject to be drawn out by warrant, without an appropriation for that purpose. Under these circumstances, it is deemed advisable to await the meeting of Congress, when the subject will be brought specially to its consideration, and the necessary appropriation asked to complete the arrangement proposed.

I have the honor to be, sir, your obedient servant,

J. C. CALHOUN.

To C. H. RAYMOND, Esq.

THE OREGON NEGOTIATION.

[NOTE.—It may be proper to remark here, by way of note, that Mr. Calhoun, in accepting the appointment of Secretary of State, tendered to him by the President (Mr. Tyler) in 1844, immediately after the death of Mr. Upshur, was influenced almost exclusively by considerations connected with the Texan and Oregon controversies. The same situation, with a controlling voice in the construction of the Cabinet, was, it is believed, offered to him some years previously, and declined; but the critical state of our relations with Texas and Great Britain, combined with the unanimous call of the Senate, and (it might be added) the country, did not allow him, in the then condition of public affairs, to consult his own individual wishes. He accepted the position with an express understanding that he would retire, as soon as these two negotiations should be brought to a close.

The Texan treaty having been concluded, he entered with equal zeal and industry on the Oregon negotiation, and the correspondence had progressed thus far, when, on the inauguration of Mr. Polk, he was suddenly and unexpectedly, at least to the country, superseded by that individual, though he, at the same time, expressed an entire concurrence in views, and an unqualified approval of the manner in which the negotiation had been conducted.

This act of the President did not take him by surprise. He had anticipated it as early as September, 1844, and said to his confidential friends (when assurances were given that Mr. Polk had voluntarily declared that, if elected, he (Mr. C.) must remain at the head of the department), that, if such were his real wishes or purposes, he would not be allowed to carry them into execution; that influences would be brought to bear upon him which he could not resist; and that he would be compelled to retire from public life (which he much desired), or accept of the mission to England, which he supposed would be offered to him. The result was precisely as he anticipated. The mission to England was urgently pressed upon him, but firmly declined. But this is not the proper place to give a detailed history of the transaction. The facts and circumstances will, however, appear in the Memoirs of Mr. Calhoun, now being prepared for the Press.

It is only necessary here to add that, in the adjustment of the Oregon Controversy, some years afterwards, the boundary line between the two countries was finally adopted, as designated by Mr. Calhoun.—EDITOR.]

Mr. Fox to Mr. Webster.

WASHINGTON, *Nov. 15th*, 1842.

SIR :—With reference to our recent conversation upon the Oregon or north-western boundary, when I conveyed to you the desire of Her Majesty's Government that instructions should, at an early period, be addressed to the United States Minister in London, empowering him to treat with such person as may be appointed by Her Majesty, on the part of Great Britain, for a final settlement of that question, I have now the honor to inclose to you the extract of a despatch addressed to me upon the subject by the Earl of Aberdeen, in which the wishes of Her Majesty's Government are fully and satisfactorily set forth. I feel persuaded that the great importance of the matter at issue, and the friendly and conciliatory manner of Lord Aberdeen's proposal, will induce the President of the United States to bestow thereupon his early and serious attention.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration.

H. S. Fox.

Hon. Daniel Webster, &c.

[*Extract inclosed.*]

Foreign Office, *October* 18*th*, 1842.

Sir:—The ratifications of the Treaty, concluded on the 9th of August, between Great Britain and the United States, were exchanged by me on the 13th inst. with the Minister of the United States accredited to the Court of Her Majesty. The more important question of the disputed boundary between Her Majesty's North American Provinces and the United States, being thus settled, and the feelings which have thus been mutually produced in the people of both countries by this settlement, being evidently favorable and indicative of a general desire to continue on the best footing with each other, it has appeared to Her Majesty's Government that both parties would act wisely in availing themselves of so auspicious a moment to endeavor to bring to a settlement the only remaining subject of territorial difference, which, although not so hazardous as that of the north-eastern boundary, is, nevertheless, even at this moment, not without risk to the good understanding between the two countries, and may, in course of time, be attended with the same description of danger to their mutual peace as the question which has been recently adjusted. I speak of the line of boundary west of the Rocky Mountains.

You are aware that Lord Ashburton was furnished with specific and detailed instructions with respect to the treatment of this point of difference between the two Governments, in the general negotiations with which he was intrusted, and which he has brought to a satisfactory issue.

For reasons which it is not necessary here to state at length, that point, after having been made the subject of

conference with the American Secretary of State, was not further pressed. The main ground alleged by his lordship for abstaining from proposing to carry on the discussion with respect to the question of the north-west boundary was, the apprehension, lest, by so doing, the settlement of the far more important matter of the north-eastern boundary should be impeded or exposed to the hazard of failure.

This ground of apprehension now no longer exists; and Her Majesty's Government, therefore, being anxious to endeavor to remove, so far as depends on them, all cause, however remote, of even contingent risk to the good understanding now so happily restored between two countries which ought never to be at variance with each other, have determined to propose to the Government of the United States to meet them in an endeavor to adjust by treaty the unsettled question of boundary west of the Rocky Mountains.

On the receipt of this despatch, therefore, I have to desire that you will propose to Mr. Webster to move the President to furnish the United States Minister at this Court with such instructions as will enable him to enter upon the negotiation of this matter, with such person as may be appointed by Her Majesty for that object; and you will assure him at the same time, that we are prepared to proceed to the consideration of it in a perfect spirit of fairness, and to adjust it on a basis of equitable compromise.

I am, with great truth and regard, your most obedient, humble servant,

ABERDEEN.

H. S. Fox, Esq.

Mr. Webster to Mr. Fox.

DEPARTMENT OF STATE, WASHINGTON, *Nov. 25th*, 1842.

SIR:—I have the honor to acknowledge the receipt of your note of the 15th inst. upon the question of the Oregon or north-western boundary, with an extract of a despatch

recently addressed to you on the subject by the Earl of Aberdeen, explanatory of the wishes of Her Majesty's Government; both of which I laid before the President a few days afterwards.

He directed me to say, that he concurred entirely in the expediency of making the question respecting the Oregon territory a subject of immediate attention, and negotiation between the two Governments. He had already formed the purpose of expressing this opinion in his message to Congress; and, at no distant day, a communication will be made to the Minister of the United States in London.

I pray you to accept the renewed assurance of my distinguished consideration.

DANIEL WEBSTER.

H. S. Fox, Esq., &c.

Mr. Pakenham to Mr. Upshur.

WASHINGTON, *Feb. 24th*, 1844.

SIR:—Among the matters at present under the consideration of the two Governments, there is none respecting which the British Government are more anxious to come to an early and satisfactory arrangement with the Government of the United States, than that relating to the boundaries of the Oregon or Columbia territory.

The undersigned, Her Majesty's envoy and minister plenipotentiary, has, accordingly, been instructed to lose no time in entering into communication with the Secretary of State of the United States, upon this subject.

In fulfilment, then, of the command of his Government, the undersigned has the honor to acquaint Mr. Upshur that he will be ready to confer with him, with a view to ulterior negotiation, on the subject in question, whensoever it shall suit Mr. Upshur's convenience.

The undersigned is happy in taking advantage of this

opportunity to offer to Mr. Upshur the assurance of his high consideration.

R. PAKENHAM.

Hon. ABEL P. UPSHUR, &c.

Mr. Upshur to Mr. Pakenham.

DEPARTMENT OF STATE, WASHINGTON, *Feb. 26th*, 1844.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note, dated the 24th inst., from Mr. Pakenham, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary, in which he states he will be ready to confer with the undersigned, with a view to ulterior negotiations, on the subject of the boundaries of the Oregon or Columbia territory, whensoever it shall suit his convenience.

In reply, the undersigned has the honor to inform Mr. Pakenham that he will receive him for that purpose at the Department of State to-morrow at 11 o'clock A. M.

The undersigned avails himself, with pleasure, of the occasion to offer to Mr. Pakenham assurances of his distinguished consideration.

A. P. UPSHUR.

RICHARD PAKENHAM, Esq., &c.

Mr. Pakenham to Mr. Calhoun.

WASHINGTON, *July 22d*, 1844.

SIR:—In the archives of the Department of State will be found a note which I had the honor to address, on the 24th of February last, to the late Mr. Upshur expressing the desire of Her Majesty's Government to conclude with the Government of the United States, a satisfactory arrangement respecting the boundary of the Oregon or Columbia territory.

The lamented death of Mr. Upshur, which occurred

within a few days after the date of that note,—the interval which took place between that event and the appointment of a successor,—and the urgency and importance of various matters which offered themselves to your attention immediately after your accession to office, sufficiently explain why it has not, hitherto, been in the power of your Government, sir, to attend to the important matter to which I refer.

But the session of Congress having been brought to a close, and the present being the season of the year when the least public business is usually transacted, it occurs to me that you may now feel at leisure to proceed to the consideration of that subject. At all events, it becomes my duty to recall it to your recollection, and to repeat the earnest desire of Her Majesty's Government, that a question on which so much interest is felt in both countries, should be disposed of at the earliest moment, consistent with the convenience of the Government of the United States.

I have the honor to be with high consideration, sir, your obedient servant,

R. PAKENHAM.

The Hon. JOHN C. CALHOUN, &c.

Mr. Calhoun to Mr. Pakenham.

DEPARTMENT OF STATE, WASHINGTON, *Aug.* 22*d*, 1844.

SIR:—The various subjects which necessarily claimed my attention on entering on the duties of my office, have heretofore, as you justly suppose, in your note of the 22d of July last, prevented me from appointing a time to confer with you, and enter on the negotiation in reference to the Oregon territory.

These have, at length, been despatched; and in reply to the note which you did me the honor to address to me, of the date above mentioned, I have to inform you that I am now ready to enter on the negotiation; and, for that pur-

pose, propose a conference to-morrow at 1 o'clock P. M., at the Department of State, if perfectly convenient to you; but, if not, at any other which it may suit your convenience to appoint.

The Government of the United States participates in the anxious desire of that of Great Britain, that the subject may be early and satisfactorily arranged.

I have the honor to be, sir, with high consideration, your obedient servant,

J. C. CALHOUN.

The Rt. Hon. R. PAKENHAM, &c.

Mr. Pakenham to Mr. Calhoun.

WASHINGTON, *Aug.* 22*d*, 1844.

SIR:—I have had the honor to receive your note of this morning's date, in which you signify your readiness to enter on the negotiation in reference to the Oregon territory, proposing to me to meet you in conference on that subject to-morrow at 1 o'clock.

In reply, I have the honor to acquaint you that I shall have great pleasure in waiting on you at the Department of State at the hour proposed.

Be pleased to accept the assurance of my distinguished consideration.

R. PAKENHAM.

Hon. JOHN C. CALHOUN, &c.

PROTOCOL

On the 23d of August, 1844, a conference was held, by appointment, at the office of the Secretary of State in the city of Washington, between the Honorable John C. Calhoun, Secretary of State of the United States, and the Right Honorable Richard Pakenham, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary, both duly authorized by their respective Governments to treat of

the respective claims of the two countries to the Oregon territory, with a view to establish a permanent boundary between the two countries, westward of the Rocky Mountains to the Pacific Ocean.

The conference was opened by assurances, on both sides, of a desire of their respective Governments to approach the question with an earnest desire, and in the spirit of compromise, to effect an adjustment consistent with the honor and just interests of either party. The plenipotentiaries then proceeded to examine the actual state of the question, as it stood at the last unsuccessful attempt to adjust it.

This done, the American plenipotentiary desired to receive from the British plenipotentiary any fresh proposal he might be instructed to offer on the part of his Government towards effecting an adjustment.

The British plenipotentiary said he would be ready to offer such a proposal at their next conference, hoping that the American plenipotentiary would be ready to present a proposal on the part of his Government. The conference adjourned to meet on Monday, the 26th inst.

J. C. CALHOUN.
R. PAKENHAM.

On the 26th of August, 1844, the second conference was held between the respective plenipotentiaries at the office of the Secretary of State.

The British plenipotentiary offered a paper containing a proposal for adjusting the conflicting claims of the two countries. The American plenipotentiary declined the proposal. Some remarks followed in reference to the claims of the two countries to the territory, when it became apparent that a more full understanding of their respective views, in reference to them, was necessary at this stage, in order to facilitate future proceedings.

It was accordingly agreed, that written statements con-

taining their views, should be presented before any further attempt should be made to adjust them.

It was also agreed that the American plenipotentiary should present a statement at the next conference, and that he should inform the British plenipotentiary when he was prepared to hold it.

J. C. CALHOUN.
R. PAKENHAM.

PROPOSAL

Offered by the British Plenipotentiary at the Second Conference.

Whereas the proposals made on both sides, in the course of the last negotiation, had been mutually declined, Her Majesty's Government were prepared, in addition to what had been already offered, on the part of Great Britain,* and

* The precise nature and terms of the offer, on the part of Great Britain, here referred to, are shown by the following extracts from the protocols of the conferences which were held in London in 1824 and 1826:—

Protocol of the Twenty-third Conference, July 13th, 1824.

[*Extract from the British Paper.*]

"The boundary line between the territories claimed by His Britannic Majesty, and those claimed by the United States, to the west, in both cases, of the Rocky Mountains, shall be drawn due west, along the 49th parallel of north latitude to the point where that parallel strikes the great north-easternmost branch of the Oregon or Columbia River, marked in the maps as McGillivray's River,—thence down along the middle of the Oregon or Columbia to its junction with the Pacific Ocean;—the navigation of the whole channel being perpetually free to the subjects and citizens of both parties. The said subjects and citizens being, also, reciprocally at liberty, during the term of ten years from the date hereof, to pass and repass, by land and by water, and to navigate with their vessels and merchandise, all the rivers, bays, harbors and creeks, as heretofore, on either side of the above-mentioned line; and to trade with all and any of the nations, free of duty or imposts of any kind,—subject only to such local regulations as, in other respects, either of the two contracting parties may find it necessary to enforce within its own limits; and pro-

in proof of their earnest desire to arrive at an arrangement suitable to the interests and wishes of both parties, to undertake to make free to the United States any port or ports which the United States Government might desire, either on the mainland, or on Vancouver's Island, south of latitude 49°.

R. P.

On the 2d of September, 1844, the third conference was held at the office of the Secretary of State, according to appointment. The American plenipotentiary presented a written statement of his views of the claims of the United

hibited from furnishing the natives with fire-arms and other exceptionable articles to be hereafter enumerated; and it is further especially agreed that neither of the high contracting parties, their respective subjects or citizens, shall henceforward form any settlements within the limits assigned hereby to the other, west of the Rocky Mountains; it being, at the same time, understood that any settlement already formed by the British to the south and east of the boundary line above described, or by citizens of the United States, to the north and west of the said line, shall continue to be occupied and enjoyed at the pleasure of the present proprietors or occupants, without let or hindrance of any kind, until the expiration of the above-mentioned term of ten years, from the date hereof."

Protocol of the third Conference, December 1st, 1826.

"The British plenipotentiaries, in order to evince the earnest desire of their Government to afford every facility to the final adjustment of the question of boundary, submitted the following terms of accommodation, with a view to their reference to the American Government:—

"That considering the possession of a safe and commodious port, on the north-west coast of America, fitted for the reception of large ships, might be an object of great interest and importance to the United States, and that no such port was to be found between the 42d degree of latitude and the Columbia River, Great Britain, in still adhering to that river as a basis, was willing so far to modify her former proposal, as to concede, as far as she was concerned, to the United States, the possession of Port Discovery,—a most valuable harbor on the southern coast of De Fuca's Inlet; and to annex thereto all that tract of country comprised within

States to the portion of the territory drained by the waters of the Columbia River, marked A., and containing his reasons for declining to accept the proposal offered by the British plenipotentiary, at their second conference.

J. C. CALHOUN.
R. PAKENHAM.

On the 12th of September, 1844, the fourth conference was held at the office of the Secretary of State, when the British plenipotentiary presented his statement, marked D., counter to that of the American plenipotentiary, marked A., presented at the preceding conference.

J. C. CALHOUN.
R. PAKENHAM.

At the fifth conference, held at the office of the Secretary of State, on the 20th of September, the American plenipotentiary delivered to the British plenipotentiary a statement, marked B., in rejoinder to his counter-statement, marked D.

J. C. CALHOUN.
R. PAKENHAM.

The sixth conference was held on the 24th of September, when the British plenipotentiary stated that he had

a line to be drawn from Cape Flattery along the southern shore of De Fuca's Inlet to Point Wilson, at the north-western extremity of Admiralty Inlet; from thence along the western shore of that inlet, across the entrance of Hood's Inlet to the point of land forming the north-eastern extremity of the said inlet; from thence along the eastern shore of that inlet to the southern extremity of the same; from thence direct to the southern point of Gray's Harbor; from thence along the shore of the Pacific to Cape Flattery, as before mentioned.

"They were further willing to stipulate that no works should, at any time, be erected at the entrance of the river Columbia, or upon the banks of the same, that might be calculated to impede or hinder the free navigation thereof, by the vessels or boats of either party."

read, with due attention, the statement, marked B., presented by the American plenipotentiary at the last conference; but that it had not weakened the impression previously entertained by him with regard to the claims and rights of Great Britain, as explained in the paper lately presented by him, marked D.—That, reserving for a future occasion such observations as he might wish to present, by way of explanations, in reply to the statement last presented by the American plenipotentiary, he was, for the present, obliged to declare, with reference to the concluding part of that statement, that he did not feel authorized to enter into discussion respecting the territory north of the 49th parallel of latitude,—which was understood by the British Government to form the basis of negotiation on the side of the United States, as the line of the Columbia formed that on the side of Great Britain. That the proposal which he had presented was offered by Great Britain as an honorable compromise of the claims and pretensions of both parties, and that it would, of course, be understood as having been made subject to the condition recorded in the protocol of the third conference, held between the respective plenipotentiaries in London in December, 1826.*

J. C. CALHOUN.
R. PAKENHAM.

* The condition here referred to, is the protest contained in the following extract from the protocol of the third conference, held on the 1st of December 1826.

"The British protested against the offer of concession so made, being ever taken, in any way, to prejudice the claims of Great Britain, included in her proposal of 1824; and declared that the offer now made was considered by the British Government, as not called for by any just comparison of the grounds of these claims, and of the counter-claim of the United States; but rather as a sacrifice which the British Government had consented to make, with a view to obviate all evils of future difference, in respect to the territory west of the Rocky Mountains."

A.

WASHINGTON, *September 13th*, 1844.

The undersigned, American plenipotentiary, declines the proposal of the British plenipotentiary, on the ground that it would have the effect of restricting the possessions of the United States to limits far more circumscribed than their claims clearly entitle them to. It proposes to limit their northern boundary by a line drawn from the Rocky Mountains along the 49th parallel of latitude to the north-eastern-most branch of the Columbia River, and thence down the middle of that river to the sea, giving to Great Britain all the country north, and to the United States all south of that line, except a detached territory extending on the Pacific and the Straits of Fuca, from Bulfinch's Harbor to Hood's Canal; to which it is proposed, in addition, to make free to the United States any port which the United States Government might desire, either on the mainland or on Vancouver's Island, south of latitude 49 degrees.

By turning to the map hereto annexed, and on which the proposed boundary is marked in pencil, it will be seen that it assigns to Great Britain almost the entire region on its north side, drained by the Columbia River, lying on its northern bank. It is not deemed necessary to state at large the claims of the United States to this territory, and the grounds on which they rest, in order to make good the assertion that it restricts the possessions of the United States within narrower bounds than they are clearly entitled to. It will be sufficient for this purpose, to show that they are fairly entitled to the entire region drained by the river; and, to the establishment of this point, the undersigned proposes, accordingly, to limit his remarks at present.

Our claims to the portion of the territory drained by the Columbia River, may be divided into those we have in our own proper right, and those we have derived from France

and Spain. We ground the former as against Great Britain, on priority of discovery and priority of exploration and settlement. We rest our claim to discovery, as against her, on that of Captain Gray, a citizen of the United States, who, in the ship Columbia, of Boston, passed its bar and anchored in the river, ten miles above its mouth, on the 11th of May, 1792 ; and who afterwards sailed up the river twelve or fifteen miles, and left it on the 20th of the same month, calling it "Columbia," after his ship ; which name it still retains.

On these facts our claim to the discovery and entrance into the river rests. They are too well attested to be controverted. But they have been opposed by the alleged discoveries of Meares and Vancouver. It is true that the former explored a portion of the coast through which the Columbia flows into the ocean, in 1788 (five years before Captain Gray crossed the bar and anchored in the river), in order to ascertain whether the river, as laid down in the Spanish charts, and called the St. Roc, existed or not ; but it is equally true that he did not even discover it. On the contrary, he expressly declares in his account of the voyage, as the result of his observations, that "we can now safely assert that there is no such river as that of the St. Roc, as laid down in Spanish charts ;" and, as if to perpetuate his disappointment, he called the promontory lying north of the inlet, where he expected to discover it, Cape Disappointment, and the inlet itself Deception Bay. It is also true, that Vancouver, in April, 1792, explored the same coast ; but it is no less so that he failed to discover the river, of which his own journal furnishes the most conclusive evidence, as well as his strong conviction that no such river existed. So strong was it, indeed, that, when he fell in with Captain Gray, shortly afterwards, and was informed by him that he had been off the mouth of a river, in latitude 46 degrees, 10 minutes, whose outlet was so strong as to pre-

vent his entering, he remained still incredulous, and strongly expressed himself to that effect in his journal. It was shortly after this interview that Captain Gray again visited its mouth, crossed its bar, and sailed up the river as has been stated. After he left it, he visited Nootka Sound, where he communicated his discoveries to Quadra, the Spanish commandant at that place, and gave him a chart and description of the mouth of the river. After his departure, Vancouver arrived there in September, when he was informed of the discoveries of Captain Gray, and obtained from Quadra copies of the chart he had left with him. In consequence of the information thus obtained, he was induced to visit again that part of the coast. It was during this visit that he entered the river on the 20th of October, and made his survey.

From these facts it is manifest, that the alleged discoveries of Meares and Vancouver cannot in the slightest degree shake the claim of Captain Gray to priority of discovery. Indeed, so conclusive is the evidence in his favor, that it has been attempted to evade our claim on the novel and wholly untenable ground, that his discovery was made, not in a national, but private vessel. Such, and so incontestable is the evidence of our claim, as against Great Britain, from priority of discovery, as to the mouth of the river, crossing its bar, entering it, and sailing up its stream, on the voyage of Captain Gray alone, without taking into consideration the prior discovery of the Spanish navigator, Heceta, which will be more particularly referred to hereafter.

Nor is the evidence of the priority of our discovery of the head branches of the river and its exploration, less conclusive. Before the treaty was ratified by which we acquired Louisiana, in 1803, an expedition was planned, at the head of which were placed Meriwether Lewis and William Clarke, to explore the river Missouri and its principal branches to their sources, and then to seek and trace to

its termination in the Pacific some stream, "whether the Columbia, the Oregon, the Colorado, or any other which might offer the most direct and practicable water communication across the continent for the purpose of commerce." The party began to ascend the Missouri in May, 1804, and in the summer of 1805 reached the head-waters of the Columbia River. After crossing many of the streams falling into it, they reached the Kooskooskee, in latitude 43° 34′—descended that to the principal southern branch, which they called Lewis's—followed that to its junction with the great northern branch, which they called Clarke; and thence descended to the mouth of the river, where they landed and encamped, on the north side, on Cape Disappointment, and wintered. The next spring they commenced their return, and continued their exploration up the river, noting its various branches, and tracing some of the principal, and finally arrived at St. Louis, in September, 1806, after an absence of two years and four months.

It was this important expedition which brought to the knowledge of the world this great river,—the greatest by far on the western side of this continent,—with its numerous branches, and the vast regions through which it flows, above the points to which Gray and Vancouver had ascended. It took place many years before it was visited and explored by any subject of Great Britain, or of any other civilized nation, so far as we are informed. It as clearly entitles us to the claim of priority of discovery as to its head branches and the exploration of the river and region through which it passes, as the voyages of Captain Gray and the Spanish navigator, Heceta, entitle us to priority, in reference to its mouth, and the entrance into its channel.

Nor is our priority of settlement less certain. Establishments were formed by American citizens on the Columbia, as early as 1809 and 1810. In the latter year, a company was formed in New York, at the head of which was

John Jacob Astor, a wealthy merchant of that city, the object of which was to form a regular chain of establishments on the Columbia River and the contiguous coasts of the Pacific, for commercial purposes. Early in the spring of 1811, they made their first establishment on the south side of the river, a few miles above Point George, where they were visited, in July following, by Mr. Thompson, a surveyor and astronomer of the North-west Company, and his party. They had been sent out, by that company, to forestall the American company in occupying the mouth of the river, but found themselves defeated in their object. The American company formed two other connected establishments higher up the river: one at the confluence of the Okenegan with the north branch of the Columbia, about six hundred miles above its mouth, and the other on the Spokan, a stream falling into the north branch some fifty miles above. These posts passed into the possession of Great Britain during the war, which was declared the next year; but it was provided by the first article of the treaty of Ghent, which terminated it, that "all territories, places, and possessions whatever, taken by either party from the other, during the war, or which may be taken after the signing of the treaty, excepting the islands hereafter mentioned (in the Bay of Fundy), shall be restored without delay." Under this provision, which embraces all the establishments of the American company on the Columbia, Astoria was formally restored on the 6th of October, 1818, by agents duly authorized on the part of the British Government to restore the possession, and to an agent duly authorized on the part of the Government of the United States to receive it, which placed our possessions where it was before it passed into the hands of British subjects.

Such are the facts on which we rest our claims to priority of discovery and priority of exploration and settlement, as against Great Britain, to the region drained by the Co-

lumbia River. So much for the claims we have in our own proper right to that region.

To these we have added the claims of France and Spain. The former we obtained by the treaty of Louisiana ratified in 1803; and the latter by the treaty of Florida, ratified in 1819. By the former we acquired all the rights which France had to Louisiana, to the "extent it now has (1803) in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into by Spain and other States." By the latter, his Catholic majesty "ceded to the United States all his rights, claims, and pretensions" to the country lying west of the Rocky Mountains and north of a line drawn on the 42d parallel of latitude, from a point on the south bank of the Arkansas, in that parallel, to the South Sea; that is, to the whole region claimed by Spain, west of those mountains, and north of that line.

The cession of Louisiana gave us undisputed title west of the Mississippi extending to the summit of the Rocky Mountains, and stretching south between that river and those mountains, to the possessions of Spain, the line between which and ours, was afterwards determined by the treaty of Florida. It also added much to the strength of our title to the region beyond the Rocky Mountains, by restoring to us the important link of continuity westward to the Pacific, which had been surrendered by the treaty of 1763, as will be hereafter shown.

That continuity furnishes a just foundation for a claim of territory, in connection with those of discovery and occupation, would seem unquestionable. It is admitted by all, that neither of them is limited by the precise spot discovered or occupied. It is evident that, in order to make either available, it must extend at least some distance beyond that actually discovered or occupied; but how far, as an abstract question, is a matter of uncertainty. It is subject, in each

case, to be influenced by a variety of considerations. In the case of an island, it has been usually maintained in practice, to extend the claim of discovery or occupancy to the whole; so likewise in the case of a river, it has been usual to extend them to the entire region drained by it, more especially in cases of a discovery and settlement at the mouth; and emphatically so when accompanied by exploration of the river and region through which it flows. Such, it is believed, may be affirmed to be the opinion and practice, in such cases, since the discovery of this continent. How far the claim of continuity may extend in other cases, is less perfectly defined, and can be settled only by reference to the circumstances attending each. When this continent was first discovered, Spain claimed the whole, in virtue of the grant of the Pope; but a claim so extravagant and unreasonable was not acquiesced in by other countries, and could not be long maintained. Other nations, especially England and France, at an early period, contested her claim. They fitted out voyages of discovery, and made settlements on the eastern coasts of North America. They claimed for their settlements, usually, specific limits, along the coasts or bays on which they were formed; and generally, a region of corresponding width, extending across the entire continent to the Pacific Ocean. Such was the character of the limits assigned by England, in the charters which she granted to her former colonies, now the United States, when there were no special reasons for varying from it.

How strong she regarded her claim to the region conveyed by these charters and extending westward of her settlements, the war between her and France, which was terminated by the treaty of Paris, in 1763, furnishes a striking illustration. That great contest, which ended so gloriously for England, and effected so great and durable a change on this continent, commenced in a conflict between her claims and those of France, resting on her side, on this very right

of continuity, extending westward from her settlements to the Pacific Ocean; and, on the part of France, on the same right, but extending to the region drained by the Mississippi and its waters, on the ground of settlement and exploration. Their respective claims, which led to the war, first clashed on the river Ohio, the waters of which the colonial charters, in their western extension, covered; but which France had been unquestionably the first to settle and explore. If the relative strength of these different claims may be tested by the result of that remarkable contest, that of continuity westward must be pronounced to be the stronger of the two. England has had, at least, the advantage of the result, and would seem to be foreclosed against contesting the principle, particularly as against us, who contributed so much to that result, and on whom that contest and her example and pretensions, from the first settlement of our country, have contributed to impress it so deeply and indelibly.

But the treaty of 1763, which terminated that memorable and eventful struggle, yielded, as has been stated, the claims and all the chartered rights of the colonies beyond the Mississippi. The seventh article establishes that river as the permanent boundary between the possessions of Great Britain and France on this continent. So much as relates to the subject is in the following words: "The confines between the dominions of His Britannic Majesty, in that part of the world (the continent of America), shall be fixed irrevocably by a line drawn along the middle of the river Mississippi, from its source to the river Iberville, and from thence, by a line drawn along the middle of this river and the lakes Maurepas and Pontchartrain to the sea," &c.

This important stipulation, which thus establishes the Mississippi as the line "fixed irrevocably" between the dominions of the two countries on this continent, in effect extinguishes, in favor of France, whatever claim Great Britain may have had to the region lying west of the Mississippi.

It of course could not affect the rights of Spain, the only other nation which had any pretence of claim west of that river; but it prevented the right of continuity, previously claimed by Great Britain, from extending beyond it, and transferred it to France. The treaty of Louisiana restored and vested in the United States all the claims acquired by France and surrendered by Great Britain under the provisions of that treaty, to the country west of the Mississippi, and among others, the one in question. Certain it is that France had the same right of continuity, in virtue of her possession of Louisiana, and the extinguishment of the right of England, by the treaty of 1763, to the whole country west of the Rocky Mountains, and lying west of Louisiana, as against Spain, which England had to the country westward of the Alleghany Mountains, as against France,—with this difference, that Spain had nothing to oppose to the claim of France, at the time, but the right of discovery; and even that England has since denied, while France had opposed to the right of England, in her case, that of discovery, exploration, and settlement. It is therefore not at all surprising that France should claim the country west of the Rocky Mountains (as may be inferred from her maps), on the same principle that Great Britain had claimed and dispossessed her of the regions west of the Alleghany; or that the United States, as soon as they had acquired the rights of France, should assert the same claim, and take measures immediately after to explore it, with a view to occupation and settlement. But since then we have strengthened our title by adding to our own proper claims and those of France, the claims also of Spain, by the treaty of Florida, as has been stated.

The claims which we have acquired from her, between the Rocky Mountains and the Pacific, rest on her priority of discovery. Numerous voyages of discovery, commencing with that of Maldorado, in 1528, and ending with that under Galiano and Valdes, in 1792, were undertaken, by her

authority, along the north-western coast of North America That they discovered and explored, not only the entire coast of what is now called the Oregon territory, but still further north, are facts too well established to be controverted at this day. The voyages which they performed will, accordingly, be passed over at present, without being particularly alluded to, with the exception of that of Heceta. His discovery of the mouth of the Columbia River has been already referred to. It was made on the 15th of August, 1775, many years anterior to the voyages of Meares and Vancouver, and was prior to Cook's, who did not reach the north-western coast until 1778. The claims it gave to Spain of priority of discovery, were transferred to us, with all others belonging to her, by the treaty of Florida; which, added to the discoveries of Captain Gray, places our right to the discovery of the mouth and entrance into the inlet and river beyond all controversy.

It has been objected, that we claim under various and conflicting titles, which mutually destroy each other. Such might, indeed, be the fact, while they were held by different parties; but since we have rightfully acquired both those of Spain and France, and concentrated the whole in our hands, they mutually blend with each other, and form one strong, and connected chain of title, against the opposing claims of all others, including Great Britain.

In order to present, more fully and perfectly, the grounds on which our claim to the region in question rests, it will now be necessary to turn back to the time when Astoria was restored to us under the provisions of the treaty of Ghent, and to trace what has since occurred between the two countries in reference to the territory, and inquire, whether their respective claims have been affected by the settlements since made in the territory by Great Britain, or the occurrences which have since taken place.

The restoration of Astoria took place under the provi-

sions of the treaty of Ghent, on the 6th day of October, 1818, the effect of which was to put Mr. Prevost, the agent authorized by our Government to receive it, in possession of the establishment, with the right, at all times, to be reinstated and considered the party in possession, as was explicitly admitted by Lord Castlereagh in the first negotiation between the two Governments in reference to the treaty. The words of Mr. Rush, our plenipotentiary, on that occasion, in his letter to Mr. Adams, then Secretary of State, of the 14th of February, 1818, reporting what passed between him and his lordship, are—"that Lord Castlereagh admitted, in the most ample extent, our right to be reinstated, and to be the party in possession, while treating of the title."

That negotiation terminated in the convention of the 20th of October, 1818, the third article of which is in the following words:—

"It is agreed that any country that may be claimed by either party on the north-west coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers; it being well understood, that this agreement is not to be construed to the prejudice of any claim which either of the two high-contracting parties may have to any part of the said country; nor shall it be taken to affect the claims of any other power or state to any part of the said country. The only object of the high-contracting parties, in that respect, being to prevent disputes and differences amongst themselves."

The two acts—the restoration of our possession, and the signature of the convention—were nearly contemporaneous; the latter taking place but fourteen days subsequently to the former. We were then, as admitted by Lord Castlereagh, entitled to be considered as the party in possession, and the convention which

stipulated that the territory should be free and open for the term of ten years from the date of its signature, to the vessels, citizens, and subjects of the two countries, without prejudice to any claim which either party may have to any part of the same, preserved and perpetuated all our claims to the territory, including the acknowledged right to be considered the party in possession, as perfectly, during the period of its continuance, as they were the day the convention was signed. Of this there can be no doubt.

After an abortive attempt to adjust the claims of the two parties to the territory in 1824, another negotiation was commenced in 1826, which terminated in renewing, on the 6th of August, 1827, the third article of the convention of 1818, prior to its expiration. It provided for the indefinite extension of all the provisions of the third article of that convention, and also that either party might terminate it at any time it might think fit, by giving one year's notice after the 20th of October, 1828. It took, however, the precaution of providing, expressly, that "nothing contained in this convention, or in the third article of the convention of the 20th of October, 1818, hereby continued in force, shall be construed to impair, or in any manner affect the claims which either of the contracting parties may have to any part of the country westward of the Stony or Rocky Mountains." That convention is now in force, and has continued to be so since the expiration of that of 1818. By the joint operation of the two, our right to be considered the party in possession, and all the claims we had to the territory, while in possession, are preserved in as full vigor as they were at the date of its restoration in 1818, without being affected or impaired by the settlements since made by the subjects of Great Britain.

Time, indeed, so far from impairing our claims, has greatly strengthened them since that period; for, since then, the treaty of Florida transferred to us all the rights, claims,

and pretensions of Spain to the whole territory, as has been stated. In consequence of this, our claims to the portion drained by the Columbia River, the point now the subject of consideration, have been much strengthened by giving us the incontestable claim to the discovery of the mouth of the river by Heceta, above stated. But it is not in this particular only that it has operated in our favor. Our well-founded claim, grounded on continuity, has greatly strengthened during the same period, by the rapid advance of our population towards the territory; its great increase, especially in the valley of the Mississippi, as well as the greatly increased facility of passing to the territory by more accessible routes, and the far stronger and rapidly swelling tide of population that has recently commenced flowing into it.

When the first convention was concluded, in 1818, our whole population did not exceed nine millions of people. The portion of it inhabiting the States in the great valley of the Mississippi was probably under one million seven hundred thousand, of which not more than two hundred thousand were on the west side of that river. Now our population may be safely estimated at not less than nineteen millions, of which at least eight millions inhabit the States, and territories in the valley of the Mississippi; and of which, upwards of one million are in the States and territories west of that river. This portion of our population is now increasing far more rapidly than ever, and will, in a short time, fill the whole tier of States on its western bank.

To this great increase of population, especially in the valley of the Mississippi, may be added the increased facility of reaching the Oregon territory, in consequence of the discovery of the remarkable pass in the Rocky Mountains, at the head of the La Platte. These joint causes have had the effect of turning the current of our population towards the territory, and an emigration estimated at not less than one thousand during the last, and fifteen hundred the pre-

sent year, has flowed into it. The current, thus commenced will no doubt continue to flow with increased volume hereafter. There can, then, be no doubt, now, that the operation of the same causes which impelled our population westward from the shores of the Atlantic across the Alleghany to the valley of the Mississippi, will impel them onward, with accumulating force, across the Rocky Mountains, into the valley of the Columbia, and that the whole region drained by it is destined to be peopled by us.

Such are our claims to that portion of the territory, and the grounds on which they rest. The undersigned believes them to be well founded; and trusts that the British plenipotentiary will see in them sufficient reasons why he should decline his proposal.

The undersigned plenipotentiary abstains, for the present, from presenting the claims which the United States may have to other portions of the territory.

The undersigned avails himself of this occasion to renew to the British plenipotentiary, assurances of high consideration.

J. C. CALHOUN.

Right Hon. RICHARD PAKENHAM, &c.

D.

Sept. 12th, 1844.

The undersigned, British plenipotentiary, has studied with much interest and attention, the statement, marked A., presented by the American plenipotentiary, setting forth the grounds on which he declines the proposal offered by the British plenipotentiary, as a compromise of the difficulties of the Oregon question. The arrangement contemplated by that proposal, would, in the estimation of the American plenipotentiary, have the effect of restricting the possessions of the United States to limits far more circumscribed than their claims clearly entitle them to.

The claims of the United States to the portion of territory drained by the Columbia River, are divided into these adduced by the United States in their own proper right, and those which they have derived from France and Spain.

The former, as against Great Britain, they ground on priority of discovery and priority of exploration and settlement.

The claim derived from France originates in the treaty of 1803, by which Louisiana was ceded to the United States, with all its rights and appurtenances, as fully and in the same manner as they had been acquired by the French Republic; and the claim derived from Spain is founded on the treaty concluded with that power in the year 1819, whereby His Catholic Majesty ceded to the United States all his rights, claims and pretensions to the territories lying east and north of a certain line, terminating on the Pacific, in the 42d degree of north latitude.

Departing from the order in which these three separate claims are presented by the American plenipotentiary, the British plenipotentiary will first beg leave to observe, with regard to the claim derived from France, that he has not been able to discover any evidence tending to establish the belief that Louisiana as originally possessed by France—afterwards transferred to Spain, then retroceded by Spain to France, and ultimately ceded by the latter power to the United States—extended in a westerly direction beyond the Rocky Mountains. There is on the other hand strong reason to suppose that at the time Louisiana was ceded to the United States its acknowledged western boundary was the Rocky Mountains. Such appears to have been the opinion of President Jefferson, under whose auspices the acquisition of Louisiana was accomplished.

In a letter written by him in August, 1803, are to be found the following words: "The boundaries of Louisiana, which I deem not admitting question, are the highlands on

the western side of the Mississippi, inclosing all its waters, —the Missouri of course,—and terminating in the line drawn from the north-west point of the Lake of the Woods, to the nearest source of the Mississippi, as lately settled between Great Britain and the United States."

In another and more formal document, dated in July, 1807, that is to say, nearly a year after the return of Lewis and Clarke from their expedition to the Pacific, and fifteen years after Gray had entered Columbia River,—is recorded Mr. Jefferson's opinion of the impolicy of giving offence to Spain by any intimation that the claims of the United States extended to the Pacific; and we have the authority of an American historian, distinguished for the attention and research which he has bestowed on the whole subject of the Oregon territory, for concluding that the western boundaries of Louisiana, as it was ceded by France to the United States, were those indicated by nature;—namely, the high land separating the waters of the Mississippi from those falling into the Pacific.

From the acquisition, then, of Louisiana, as it was received from France, it seems clear that the United States can deduce no claim to territory west of the Rocky Mountains. But even if it were otherwise, and if France had ever possessed or asserted a claim to territory west of the Rocky Mountains, as appertaining to the territory of Louisiana, that claim, whatever it might be, was necessarily transferred to Spain, when Louisiana was ceded to that power in 1762; and, of course, became subject to the provisions of the treaty between Spain and Great Britain of 1790, which effectually abrogated the claim of Spain to exclusive dominion over the unoccupied parts of the American continent.

To the observation of the American plenipotentiary, respecting the effect of continuity in furnishing a claim to territory, the undersigned has not failed to pay due attention; but he submits that, what is said on this head, may

more be considered as demonstrating the greater degree of interest which the United States possess by reason of contiguity in acquiring territory in that direction, than as affecting in any way, the question of right.

The undersigned will endeavor to show hereafter that, in the proposal put in on the part of Great Britain, the natural expectations of the United States, on the ground of contiguity, have not been disregarded.

Next comes to be examined, the claim derived from Spain.

It must, indeed, be acknowledged that, by the treaty of 1819, Spain did convey to the United States all that she had the power to dispose of, on the north-west coast of America, north of the forty-second parallel of latitude; but she could not, by that transaction, annul or invalidate the rights which she had, by a previous transaction, acknowledged to belong to another power.

By the treaty of the 28th of October, 1790, Spain acknowledged in Great Britain certain rights with respect to those parts of the western coasts of America not already occupied.

This acknowledgment had reference especially to the territory which forms the subject of the present negotiation. If Spain could not make good her own right to exclusive dominion over those regions, still less could she confer such a right on another power; and hence Great Britain argues that, from nothing deduced from the treaty of 1819, can the United States assert a valid claim to exclusive dominion over any part of the Oregon territory.

There remains to be considered, the claim advanced by the United States on the ground of prior discovery, and prior exploration and settlement.

In that part of the memorandum of the American plenipotentiary which speaks of the Spanish title, it is stated that the mouth of the river, afterwards called the Columbia

River, was first discovered by the Spanish navigator, Heceta The admission of this fact would appear to be altogether irreconcilable with a claim to priority of discovery, from any thing accomplished by Capt. Gray. To one, and to one only, of those commanders, can be conceded the merit of first discovery. If Heceta's claim is acknowledged, then Capt. Gray is no longer the discoverer of the Columbia River. If, on the other hand, preference is given to the achievement of Capt. Gray, then Heceta's discovery ceases to be of any value. But it is argued, that the United States now represent both titles,—the title of Heceta and the title of Gray; and, therefore, that, under one or the other, it matters not which, enough can be shown to establish a case of prior discovery, as against Great Britain. This may be true, as far as relates to the act of first seeing, and first entering the mouth of the Columbia River; but, if the Spanish claim to prior discovery is to prevail, whatever rights may be thereon founded, are necessarily restricted by the stipulations of the treaty of 1790, which forbid a claim of exclusive possession.

If the act of Capt. Gray, in passing the bar and actually entering the river, is to supersede the discovery of the entrance, which is all that is attributed to Heceta, then the principle of progressive or gradual discovery, being admitted as conveying in proportion to the extent of discovery or exploration superior rights, the operations of Vancouver, in entering, surveying, and exploring, to a considerable distance inland, the river Columbia, would, as a necessary consequence, supersede the discovery of Capt. Gray,—to say nothing of the act of taking possession, in the name of his sovereign; which ceremony was duly performed, and authentically recorded by Capt. Vancouver.

This brings us to an examination of the conflicting claims of Great Britain and the United States on the ground of discovery; which may be said to form the essen-

tial point in the discussion,—for it has above been shown that the claim derived from France must be considered as of little or no weight; while that derived from Spain, in as far as relates to exclusive dominion, is neutralized by the stipulations of the Nootka Convention.

It will be admitted that, when the United States became an independent nation, they possessed no claim, direct or indirect, to the Columbia territory. Their western boundary, in those days, was defined by the treaty of 1783. Great Britain, on the contrary, had, at that time, already directed her attention to the north-west coast of America, as is sufficiently shown by the voyage and discoveries of Capt. Cook, who, in 1778, visited and explored a great portion of it from latitude 44° northward.

That Great Britain was the first to acquire, what may be called, a beneficial interest in these regions, by commercial intercourse, will not either be denied. In proof of this fact, we have the voyages of several British subjects, who visited the coasts, and adjacent islands, previously to the dispute with Spain, and that her commerce, actual as well as prospective, in that part of the world, was considered a matter of great national importance, is shown by the resolute measures which she took for its protection, when Spain manifested a disposition to interfere with it.

The discoveries of Meares in 1788, and the complete survey of the coast and its adjacent islands, from about latitude 40° northwards, which was effected by Captain Vancouver in 1792, 1793, and 1794, would appear to give to Great Britain, as against the United States, as strong a claim on the ground of discovery, and exploration coastwise, as can well be imagined,—limited only by what was accomplished by Captain Gray at the mouth of the Columbia; which, as far as discovery is concerned, forms a strong point on the American side of the question.

In point of accuracy and authenticity, it is believed that

the performances of Cook and Vancouver stand pre-eminently superior to those of any other country whose vessels had in those days visited the north-west coast; while, in point of value and importance, surely the discovery of a single harbor, although at the mouth of an important river, cannot, as giving a claim to territory, be placed in competition with the vast extent of discovery and survey accomplished by the British navigators.

As regards exploration inland, entire justice must be done to the memorable exploits of Messrs. Lewis and Clarke; but these distinguished travellers were not the first who effected a passage across the Oregon territory, from the Rocky Mountains to the Pacific. As far back as 1793, that feat had been accomplished by Mackenzie, a British subject. In the course of this expedition Mackenzie explored the upper waters of a river, since called Frazer's River; which, in process of time, was traced to its junction with the sea, near the 49th degree of latitude; these forming, in point of exploration, a counterpoise to the exploration of that part of the Columbia which was first visited by Lewis and Clarke.

Priority of settlement is the third plea, on which the American claim proper is made to rest.

In 1811, an establishment for the purposes of trade, was formed at the south side of the Columbia River, near to its mouth, by certain American citizens. This establishment passed, during the war, into the hands of British subjects; but it was restored to the American Government in the year 1818, by an understanding between the two Governments. Since then, it has not however been, in reality, occupied by Americans. This is the case of priority of settlement.

The American plenipotentiary lays some stress on the admission attributed to Lord Castlereagh, the principal Secretary of State for Foreign Affairs, that "the American Government had the most ample right to be reinstated, and to be considered the party in possession, while treating of

the title." The undersigned is not inclined to dispute an assertion resting on such respectable authority; but he must observe in the first place, that the reservation implied by the words, "while treating of the title," excludes any inference which might otherwise be drawn from the preceding words, prejudicial to the title of Great Britain; and, further, that when the authority of the American Minister is thus admitted for an observation, which is pleaded against England, it is but fair that, on the part of the United States, credit should be given to England, for the authenticity of a despatch from Lord Castlereagh to the British Minister at Washington, which was communicated, verbally, to the Government of the United States, when the restoration of the establishment, called Astoria or Fort George, was in contemplation,—containing a complete reservation of the rights of England to the territory at the mouth of the Columbia. (See Statement of the British plenipotentiary, December, 1826.)

In fine, the present state of the question between the two Governments appears to be this:—Great Britain possesses and exercises, in common with the United States, a right of joint occupancy in the Oregon territory, of which right she can be divested, with respect to any part of that territory, only by an equitable partition of the whole between the two powers.

It is, for obvious reasons, desirable that such a partition should take place as soon as possible; and the difficulty appears to be in drawing a line of demarcation, which shall leave to each party that precise portion of the territory best suited to its interest and convenience.

The British Government entertained the hope that, by the proposal lately submitted for the consideration of the American Government, that object would have been accomplished.

According to the arrangement therein contemplated, the

northern boundary of the United States, west of the Rocky Mountains, would, for a considerable distance, be carried along the same parallel of latitude which forms their northern boundary on the eastern side of those mountains; thus uniting the present eastern boundary of the Oregon territory with the western boundary of the United States, from the 49th parallel downwards.

From the point where the 49th degree of latitude intersects the north-eastern branch of the Columbia River, called in that part of its course McGillivray's River, the proposed line of boundary would be along the middle of that river till it joins the Columbia; then along the middle of the Columbia to the ocean; the navigation of the river remaining perpetually free to both parties.

In addition, Great Britain offers a separate territory on the Pacific, possessing an excellent harbor, with a further understanding that any port or ports, whether on Vancouver's Island—or on the continent south of the 49th parallel, to which the United States might desire to have access, shall be made free ports.

It is believed that, by this arrangement, ample justice would be done to the claims of the United States, on whatever grounds advanced, with relation to the Oregon territory. As regards extent of territory, they would obtain, acre for acre, nearly half of the entire territory to be divided. As relates to the navigation of the principal river, they would enjoy a perfect equality of right with Great Britain; and with respect to harbors, it will be seen that Great Britain shows every disposition to consult their convenience in that particular. On the other hand, were Great Britain to abandon the line of the Columbia as a frontier, and to surrender her right to the navigation of that river, the prejudice occasioned to her by such an arrangement, would, beyond all proportion, exceed the advantage accruing to the United States from the possession of a few more square

miles of territory. It must be obvious to every impartial investigator of the subject that, in adhering to the line of the Columbia, Great Britain is not influenced by motives of ambition in reference to the extent of territory, but by considerations of utility, not to say necessity, which cannot be lost sight of, and for which allowance ought to be made in an arrangement professing to be based on considerations of mutual convenience and advantage.

The undersigned believes, that he has now noticed all the arguments advanced by the American plenipotentiary, in order to show that the United States are fairly entitled to the entire region drained by the Columbia River. He sincerely regrets that their views on this subject should differ in so many essential respects.

It remains for him to request that, as the American plenipotentiary declines the proposal offered on the part of Great Britain, he will have the goodness to state what arrangement he is, on the part of the United States, prepared to propose for an equitable adjustment of the question; and, more especially, that he will have the goodness to define the nature and extent of the claims which the United States may have to other portions of the territory, to which allusion is made in the concluding part of his statement, as it is obvious that no arrangement can be made with respect to a portion of the territory in dispute, while a claim is reserved to any portion of the remainder.

The undersigned, British plenipotentiary, has the honor to renew to the American plenipotentiary, the assurance of his high consideration.

R. PAKENHAM.

B.

DEPARTMENT OF STATE, WASHINGTON, *Sept.* 29*th*, 1844.

The undersigned, American plenipotentiary, has read with attention the counter-statement of the British plenipotentiary, but without weakening his confidence in the validity of the title of the United States to the territory, as set forth in her statement, marked A. As therein set forth it rests, in the first place, on priority of discovery sustained by their own proper claims, and those derived from Spain through the treaty of Florida.

The undersigned does not understand the counter-statement as denying that the Spanish navigators were the first to discover and explore the entire coasts of the Oregon territory; nor that Heceta was the first who discovered the mouth of Columbia River; nor that Captain Gray was the first to pass its bar, enter its mouth, and sail up its stream; nor that these, if jointly held by the United States, would give them the priority of discovery, which they claim. On the contrary, it would seem that the counter-statement, from the ground it takes, admits such would be the case on that supposition; for it assumes that Spain, by the Nootka Sound Convention, in 1790, divested herself of all claims to the territory, founded on the prior discovery and explorations of her navigators, and that she could, consequently, transfer none to the United States by the treaty of Florida. Having put aside the claims of Spain by this assumption, the counter-statement next attempts to oppose the claims of the United States by those founded on the voyages of Captains Cook and Meares, and to supersede the discovery of Captain Gray on the ground that Vancouver sailed further up the Columbia River than he did, although he effected it by the aid of his discoveries and charts.

It will not be expected of the undersigned that he should seriously undertake to repel what he is constrained

to regard as a mere assumption unsustained by any reason. It is sufficient, on his part, to say that, in his opinion, there is nothing in the Nootka Sound Convention, or in the transactions which led to it, or in the circumstances attending it, to warrant the assumption. The Convention relates wholly to other subjects, and contains not a word in reference to the claims of Spain. It is on this assumption that the counter-statement rests its objections to the well-founded American claims to priority of discovery. Without it, there would not be a plausible objection left to them.

The two next claims on which the United States rest their title to the territory, as set forth in statement A., are founded on their own proper right, and cannot possibly be affected by the assumed claims of Great Britain, derived from the Nootka Convention.

The first of these is priority of discovery, and exploration of the head-waters and upper portions of the Columbia River, by Lewis and Clarke; by which that great stream was first brought to the knowledge of the world, with the exception of a small portion near the ocean, including its mouth. This, the counter-statement admits, but attempts to set off against it, the prior discovery of Mackenzie of the head-waters of Frazer's River, quite an inferior stream, which drains the northern portion of the territory. It is clear that, whatever right Great Britain may derive from its discovery, it can, in no degree, affect the right of the United States to the region drained by the Columbia, which may be emphatically called, the river of the territory.

The next of these, founded on their own proper right, is, priority of settlement. It is not denied by the counter-statement, that we formed the first settlements in the portion of the territory drained by the Columbia River, nor does it deny that Astoria, the most considerable of them, was restored, under the third article of the treaty of Ghent, by agents on the part of Great Britain duly authorized to make

the restoration, to an agent, on the part of the United States, duly authorized to receive it. Nor does it deny that, in virtue thereof, they have the right to be reinstated, and considered the party in possession, while treating of the title, as was admitted by Lord Castlereagh in the negotiation of 1818; nor that the convention of 1818, signed a few days after the restoration, and that of 1827, which is still in force, have preserved and perpetuated, until now, all the rights they possessed to the territory at the time, including that of being reinstated and considered the party in possession, while the question of title is depending, as is now the case. It is true, it attempts to weaken the effect of these implied admissions; in the first place, by designating positive treaty stipulations as "an understanding between the two Governments;" but a change of phraseology cannot possibly transform treaty obligations into a mere understanding; and in the next place, by stating that we have not, since the restoration of Astoria, actually occupied it; but that cannot possibly affect our right to be reinstated, and to be considered in possession, secured to us by the treaty of Ghent, implied in the act of restoration and since preserved by positive treaty stipulations. Nor can the remarks of the counter-statement, in reference to Lord Castlereagh's admission, weaken our right of possession, secured by the treaty, and its formal and unconditional restoration by duly authorized agents. It is on these, and not on the denial of the authenticity of Lord Castlereagh's despatch, that the United States rest their right of possession, whatever verbal communication the British Minister may have made, at the time, to our Secretary of State; and it is on these that they may safely rest it, setting aside altogether the admission of Lord Castlereagh.

The next claims on which our title to the territory rests, are those derived from Spain, by the treaty ceding Louisiana to the United States, including those she derived from Great

Britain, by the treaty of 1763. It established the Mississippi as "the irrevocable boundary between the territories of France and Great Britain;" and thereby the latter surrendered to France all her claims on this continent, west of that river; including, of course, all within the chartered limits of her three colonies, which extended to the Pacific Ocean. On these, united with those of France, as the possessor of Louisiana, we rest our claim of continuity, as extending to that ocean, without an opposing claim, except that of Spain, which we have since acquired, and, consequently, removed, by the treaty of Florida.

The existence of these claims, the counter-statement denies, on the authority of Mr. Jefferson; but, as it appears to the undersigned, without adequate reasons. He does not understand Mr. Jefferson as denying that the United States acquired any claim to the Oregon territory by the acquisition of Louisiana, either in his letter of 1803, referred to by the counter-statement, and from which it gives an extract, or in the document of 1807, to which it also refers. It is manifest, from the extract itself, that the object of Mr. Jefferson was, not to state the extent of the claim acquired with Louisiana, but simply to state how far its unquestioned boundaries extended; and those he limited, westwardly, by the Rocky Mountains. It is, in like manner, manifest from the document, as cited by the counter-statement, that his object was, not to deny that our claims extended to the territory, but simply to express his opinion of the impolicy, in the then state of our relations with Spain, of bringing them forward. This, so far from denying that we had claims, admits them by the clearest implication. If indeed, in either case, his opinion had been equivocally expressed, the prompt measures adopted by him, to explore the territory, after the treaty was negotiated, but before it was ratified, clearly show that it was his opinion, not only

that we had acquired claims to it, but highly important claims, which deserved prompt attention.

In addition to this denial of our claims to the territory, on the authority of Mr. Jefferson, which the evidence relied on does not seem to sustain, the counter-statement intimates an objection to continuity, as the foundation of a right, on the ground that it may more properly be considered, to use its own words, as demonstrating the greater degree of interest which the United States possess, by reason of contiguity, in acquiring territory in a westward direction. Contiguity may, indeed, be regarded as one of the elements constituting the right of continuity, which is more comprehensive, and is necessarily associated with the right of occupancy, as has been shown in statement A. It also shows that the laws which usage has established, in the application of the right to this continent, give to the European settlements, on its eastern coasts, an indefinite extension westward. It is now too late for Great Britain to deny a right on which she has acted so long, and by which she has profited so much; or to regard it as a mere facility, not affecting in any way the question of right. On what other right has she extended her claims westwardly to the Pacific Ocean, from her settlements around Hudson's Bay,—or expelled France from the east side of the Mississippi, in the war which terminated in 1763?

As to the assumption of the counter-statement, that Louisiana, while in the possession of Spain, became subject to the Nootka Sound Convention, which, it is alleged, abrogated all the claims of Spain to the territory, including those acquired with Louisiana, it will be time enough to consider it, after it shall be attempted to be shown that such, in reality, was the effect. In the mean time the United States must continue to believe that they acquired from France, by the treaty of Louisiana, important and substantial claims to the territory.

The undersigned cannot assent to the conclusion to which, on a review of the whole ground, the counter-statement arrives,—that the present state of the question is, that Great Britain possesses and exercises, in common with the United States, a right of joint occupancy in the Oregon territory, of which she can be divested only by an equitable partition of the whole between the two powers. He claims, and he thinks he has shown, a clear title on the part of the United States to the whole region drained by the Columbia, with the right of being reinstated and considered the party in possession, while treating of the title ; in which character he must insist on their being considered, in conformity with positive treaty stipulations. He cannot, therefore, consent that they shall be regarded, during the negotiation, merely as occupants in common with Great Britain. Nor can he, while thus regarding their rights, present a counter-proposal, based on the supposition of a joint occupancy merely, until the question of title to the territory is fully discussed. It is, in his opinion, only after such a discussion, which shall fully present the titles of the parties respectively to the territory, that their claims to it can be fairly and satisfactorily adjusted. The United States desire only what they may deem themselves justly entitled to ; and are unwilling to take less. With their present opinion of their title, the British Plenipotentiary must see that the proposal he made, at the second conference, and which he more fully sets forth in his counter-statement, falls far short of what they believe themselves justly entitled to.

In reply to the request of the British Plenipotentiary, that the undersigned should define the nature and extent of the claims which the United States have to the other portions of the territory, and to which allusion is made in the concluding part of statement A, he has the honor to inform him, in general terms, that they are derived from Spain, by the Florida treaty, and are founded on the discoveries and

explorations of her navigators; and which they must regard as giving them a right, to the extent to which they can be established, unless a better can be opposed.

J. C. CALHOUN.

The Rt. Hon. RICHARD PAKENHAM, &c.

Mr. Pakenham to Mr. Calhoun.

WASHINGTON, *Jan.* 15*th*, 1845.

SIR:—I did not fail to communicate to Her Majesty's Government all that had passed between us, with reference to the question of the Oregon boundary, up to the end of last September, as detailed in the written statements interchanged by us, and in the protocols of our conferences.

Those papers remain under the consideration of Her Majesty's Government; and I have reason to believe that, at no distant period, I shall be put in possession of the views of Her Majesty's Government on the several points which became most prominent in the course of the discussion.

But considering on the one hand the impatience which is manifested in the United States for a settlement of this question, and on the other the length of time which would probably be still required to effect a satisfactory adjustment of it between the two Governments, it has occurred to Her Majesty's Government that under such circumstances, no more fair or honorable mode of settling the question could be adopted than that of arbitration.

This proposition I am accordingly authorized to offer for the consideration of the Government of the United States; and under the supposition that it may be found acceptable, further to suggest that the consent of both parties to such a course of proceeding, being recorded by an interchange of notes, the choice of an arbiter, and the mode in which their respective cases shall be laid before him, may hereafter be made the subject of a more formal agreement between the two Governments.

I have the honor to be, with high consideration, sir, your obedient servant,

R. PAKENHAM.

Hon. J. C. CALHOUN, &c.

Mr. Calhoun to Mr. Pakenham.

DEPARTMENT OF STATE, WASHINGTON, *Jan.* 21*st*, 1845.

SIR:—I have laid before the President your communication of the 15th instant, offering, on the part of Her Majesty's Government, to submit the settlement of the question between the two countries in reference to the Oregon Territory to arbitration.

The President instructs me to inform you that, while he unites with her Majesty's Government in the desire to see the question settled as early as may be practicable, he cannot accede to the offer.

Waiving all other reasons for declining it, it is sufficient to state that he continues to entertain the hope that the question may be settled by the negotiation now pending between the two countries; and that he is of the opinion it would be unadvisable to entertain a proposal to resort to any other mode, so long as there is hope of arriving at a satisfactory settlement by negotiation, and especially to one which might rather retard than expedite its final adjustment.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration.

J. C. CALHOUN.

Right Hon. RICHARD PAKENHAM, &c.

LETTER

From the Secretary of State, relative to the alleged errors of the Sixth Census.

DEPARTMENT OF STATE, WASHINGTON, *February 8th*, 1845.

SIR,—In compliance with the resolution of the House of Representatives of the 28th ultimo, directing the Secretary of State "to inform this House if any, and what, steps have been taken to ascertain whether the errors imputed to the last census by the memorials of Edward Jarvis, William Brigham, and J. Wingate Thornton, and of Thomas Earle and others, presented to this House at its last session, praying that an inquiry should be made as to the accuracy of the last census, and which memorials were referred to, and reported upon by the Select Committee on Statistics, be correct or not; and whether the result of the inquiry necessary for that purpose has been such as to impeach, or not, the general correctness of the same,"—I have the honor to state, that I deemed it to be my duty, as the correctness of the late census had been questioned during the last session of Congress, and the errors imputed to it had received, to a certain extent, the sanction of one of the committees of the House, to adopt such measures as the department could, with propriety, in order to ascertain whether the errors imputed to that important statistical document, on which the distribution of power among the States of this Union, and the legislation of Congress, for the time, must so much depend, were well founded or not. For this purpose I employed William A. Weaver, Esq., as a person in every way well qualified to perform the task of making a thorough investigation of the subject. He was originally appointed by Mr. Forsyth, and continued by Mr. Webster, to superintend the taking of the late census, including the correction of the returns of the marshals, and of the proofs of the printed documents. The memorials

addressed to Congress, impeaching its correctness, with the report of the committee in reference to them, were placed in his hands, with the direction to give the subject a thorough and impartial investigation, and to report the result to the department.

A copy of his report is herewith enclosed, which will furnish the information called for by the resolution of the House.

It would seem, from its statements, that great and unusual care was taken in order to insure accuracy in the late census; and that many items charged as errors in it by the memorialists, are, in fact, errors on their part; while, as to the greater part of the residue, it is a matter of doubt whether they be errors or not. Many items, for instance, charged as errors under the head of "education," involve mere questions of classification; and whether they be errors or not, depends on the fact whether the classification adopted by the marshals, or by the memorialists, be that intended by the act providing for the taking of the census.

But, as the great object of the memorialists, in imputing gross and glaring errors to the late census, seems to be to destroy its credit, because it exhibits the condition of the free negroes of the non-slaveholding States to be so much worse than that of the slaves of the other States, in reference to the far greater prevalence of insanity, blindness, deafness, and dumbness, comparatively, among the former than the latter, the report has given this part of the subject a more full and thorough examination.

The result would seem fully to sustain the correctness of the census on this highly important point. After examining and pointing out, in detail, the erroneous statements and conclusions of the memorialists, it proceeds to sustain the correctness of the census in this respect, by evidence drawn from the preceding census in 1830. *That* provided for taking the number afflicted by the same diseases, omitting that

of insanity. Table marked A (included in the report) formed from the returns of the two, omitting cases of insanity in the latter, exhibits their comparative results as to the number of deaf, dumb, and blind. It will be found, on reference to it, that the census of 1830 strikingly confirms, throughout, the late census, as to the far greater prevalence of these diseases among the free blacks of the non-slaveholding States, compared with the slaves of the other States. But, as conclusive as this collateral evidence may be regarded, it is not more so than that drawn from a different source. It is well known that there is an intimate connection between extreme physical wretchedness and crime. The same causes which produce the one, will the other. In order to bring this test to bear, a correspondence was opened with the proper State authorities, with a view to obtain authentic statements as to the number of white and colored convicts, including both sexes, in their respective State prisons, for the year 1840 and the subsequent years. Table marked B gives the results, as far as statements have been furnished for 1840, the year the census was taken. Like table A, it strongly confirms the correctness of the late census, by showing that the prevalence of crime among the negroes of the non-slaveholding States, compared with the slaves of the slaveholding States, is not less striking than the greater prevalence of disease, as exhibited by the same document.

On a review of the whole, two conclusions, it is believed, will be found to follow inevitably. The one is, that the correctness of the late census, in exhibiting a far greater prevalence of the diseases of insanity, blindness, deafness, and dumbness, stands unimpeachable. That it may contain errors, more or less, is hardly to be doubted. It would be a miracle if such a document, with so many figures and entries, did not. But that they have, if they exist, materially affected the correctness of the general result, would seem hardly possible. Nothing but that the truth is so, would seem ca-

pable of explaining the fact that, in all the non-slaveholding States, without exception, the census exhibits, uniformly, a far greater comparative prevalence of these diseases among the free blacks, than among the slaves of the other States. They are, indeed, vastly more so among the most favorable of the former, than in the least favorable of the latter. If to this be added the corroborative evidence furnished by the census of 1830, and the returns furnished by the States showing a like greater prevalence of crime, as has been shown, the conclusion would seem to be altogether irresistible. Why the fact should be so, is a question of deep import. Without undertaking to investigate it, it may be asserted that the cause, be it what it may, must be deep and durable. None other can account for the uniformity of its operation through so many States, respectively, of such wide extent, and placed in such different conditions.

The other conclusion, not less irresistible, is, that so far from bettering this condition of the negro or African race, by changing the relation between it and the European, as it now exists in the slaveholding States, it would render it far worse. It would be, indeed, to them, a curse instead of a blessing.

I have the honor to be, very respectfully, sir, your obedient servant,

J. C. CALHOUN.

To the Hon. J. W. JONES,
Speaker of the House of Representatives.

END OF VOL. V.

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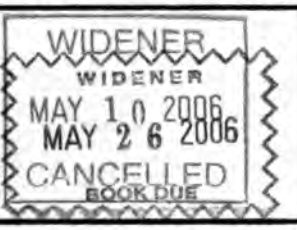

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